

LOCAL LAW NO. 6 OF 2017

A LOCAL LAW ENTITLED  
MOTHER-DAUGHTER  
ACCESSORY APARTMENT

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF  
SHOREHAM, AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to encourage the residents of the Village who require mother-daughter housing arrangements to make such arrangements legally by means of a Village approval and permit process. It is also the purpose of this local law to provide for the safety and appearance of mother-daughter residences, as well as to maintain and preserve the single-family residential character of the Village and to protect the health, safety and welfare of the general public. The term "mother-daughter" is not intended to be gender specific.

SECTION 2. ENACTMENT.

A Chapter [\_\_] of the Village Code entitled **Mother-Daughter Accessory Apartment** is enacted, as follows:

§ [\_\_]. **Definitions.**

As used in this Chapter [\_\_], the following defined terms shall have the meanings indicated:

(1) **boarder (or roomer)** – an unrelated person (not a family member) occupying on a transient basis all or part of a single room in a dwelling.

(2) **mother-daughter dwelling unit** – a separate living space (not to exceed eight hundred (800) square feet) occupied by a family member or members of the owner of the property or by the owner.

§ [\_\_]. **Mother-Daughter Usage.**

A. Alteration of Single-Family Dwelling. A single-family dwelling may be altered to include an additional kitchen and bedroom(s) for the sole use by a family member(s) of the owner or the owner of said single-family dwelling. Such use shall only be permitted upon the prior written approval of the Village Board and issuance of a permit by the Building Commissioner or Building Inspector.

B. Permits. The Village Board may approve and permit such use subject to the following conditions:

(1) Not more than one mother-daughter dwelling unit may be located on any plot or parcel of land or in any dwelling.

(2) The owner of the single-family dwelling shall occupy one of the dwelling units and the family member(s) of the owner shall occupy the other dwelling unit.

(3) A mother-daughter dwelling unit shall not be located within a basement or above a second floor, unless said area in a basement or above a second floor complies fully with this local law and the Uniform Fire Prevention and Building Code.

(4) The single-family dwelling in which the mother-daughter dwelling unit is located must contain at least one (1) unobstructed passageway between the main dwelling unit and the mother-daughter dwelling unit.

(5) A mother-daughter dwelling unit may be located over or attached to a private garage on the property provided it complies with all regulations of this Chapter [\_\_] and the Village Code.

(6) Subject to Chapter 18 of the Village Code, adequate off-street parking areas shall be provided on the site and shall be available for use by each dwelling unit. Not fewer than two (2) off-street parking spaces shall be required for the main dwelling unit and not fewer than one (1) off-street parking space shall be required for the mother-daughter dwelling unit. No vehicles may be parked at other locations in order to meet the off-street parking requirements. No yard area shall be used for parking except as set forth in Chapter 18 of the Village Code.

(7) No boarders or roomers shall be allowed under any circumstances in a single-family dwelling, whether or not said dwelling is a mother-daughter dwelling unit.

(8) A mother-daughter residence application shall be submitted to the Building Commissioner or Building Inspector with documentary proof of ownership of the single-family dwelling. Acceptable form of documentary proof shall be a certified copy of the current recorded deed from the County Clerk's office for the subject property. The owner or owners shall execute an affidavit of

relationship, duly notarized under the penalties of perjury, attesting to the fact that the individual(s) intended to occupy the mother-daughter dwelling unit are family members.

(9) The design and construction of a mother-daughter dwelling unit shall comply in all respects with the Village Code and New York State Uniform Fire Prevention and Building Code, any related and/or successor code and the requirements of any governmental authority having jurisdiction and requiring an approval as may be determined by the Building Commissioner or Building Inspector.

(10) A mother-daughter permit shall be issued for a period not exceeding twenty-four (24) months and may be renewed by the applicant or applicants in accordance with procedures established by the Village Board.

(11) Upon renewal of the permit, the owner shall submit an updated affidavit of relationship, duly notarized under the penalties of perjury, attesting to the fact that the individual(s) intended to occupy, or occupying, the mother-daughter dwelling unit are family members.

(12) The permit fee and any renewal permit fee as set forth in the schedule of fees in § [5] is to be paid to the Village by said applicant or applicant.

#### **§ [\_\_]. Inspections.**

The Village shall have the right to inspect the premises annually to ensure compliance with the Village Code and with the New York State Uniform Fire Prevention and Building Code.

#### **§ [\_\_]. Termination.**

The mother-daughter special use permit shall terminate immediately upon any of the following events:

(1) Sale or lease of the dwelling in which the mother-daughter residence is located or any other change or transfer of title thereof.

(2) Any change in occupancy of the main dwelling which extinguishes the owner-family relationship of the mother-daughter unit as approved by the Village Board.

(3) Violation of any condition(s) of the permit as detailed herein and/or as may be approved by the Village Board.

#### **§ [\_\_]. Fees.**

Fee(s) for the application and inspection of a mother-daughter unit shall be established from time-to-time by resolution of the

Village Board. All permit approvals shall be subject to payment of required fees and expenses by the applicant or applicants.

**§ [\_\_]. Applications.**

The following application process shall apply:

(1) Applications for mother-daughter residential permits shall be on forms, papers and documents prescribed and set forth by the Village Board and as available through the Building Commissioner or Building Inspector.

(2) The mother-daughter usage applications, papers, approval and permit process shall be subject to the rules and procedures of the Village Board, which shall be empowered to establish any term or condition of the process not specifically provided for in this Chapter [\_\_].

**§ [\_\_]. Penalty.**

Any violation of this Chapter [\_\_] is punishable by a fine not exceeding one thousand (1,000) dollars for each day a violation is continued.

**§ [\_\_]. Severability.**

If any part or provision of this Chapter [\_\_] is ruled unconstitutional or invalid, such ruling shall not affect the validity of any other provision of said chapter or said chapter as a whole.

SECTION 3. EFFECTIVE DATE.

January 16, 2018