

A local law to amend Chapter 100 of the Code of the Village of Tuxedo Park, to prohibit rental of accessory structures on residential properties.

Section 1. Section 100-2(B) of the Code of the Village of Tuxedo Park is hereby amended, by modifying the definitions of "Accessory Building", "Accessory Use" and "Guest", to read as follows:

"ACCESSORY BUILDING

A building which is subordinate and accessory to the principal building or use and is used by the owner and/or guests for purposes customarily incidental to those of the principal building or use, including but not limited to a private boathouse, dock, private garage, carport, shed, corral, private ring or stable, swimming pool and appurtenant bathhouse, cabana, terrace or deck, pool house, children's playhouse, tennis court or platform tennis, racquetball or similar game court or private greenhouse. Boathouses that are not adjacent to the principal building are to be considered accessory buildings under this section.

ACCESSORY USE

A use customarily incidental and subordinate to the principal use of the land or building and conducted or performed by an owner, owner's family member and/or guest.

GUEST

A friend, acquaintance or other individual visiting or residing in a household for a temporary period of time not to exceed eight weeks per calendar year whose stay involves no remuneration in money, barter, gift, services, loan or other form of compensation."

Section 2. Section 100-6(B) of the Code of the Village of Tuxedo Park is hereby amended, to read as follows:

"§100-6(B). Such accessory uses as are customarily conducted or performed by an owner and/or guest in connection with the foregoing use and are incidental thereto, provided that an accessory building existing as of the effective date of this chapter may be used for residence purposes if a Certificate of Occupancy has been issued, or if the use as a residence predates this Chapter, or for guests or employees of the owner or tenant of the principal building, subject to the granting of a permit by the Board of Zoning Appeals; and provided, further, that a boathouse may be used for purposes expressed in Chapter 51, but under no circumstances shall be used for residence purposes; and provided, further, that such accessory building and its principal building independently both meet all provisions of the laws of the Village and the New York State Uniform Fire Prevention and Building Code."

Section 3. A new section 100-6.4 of the Code of the Village of Tuxedo Park is hereby added, to read as follows:

"§100-6.4. Prohibited Uses.

Any use not specifically permitted in this chapter is prohibited."

Section 4. Section 100-16 of the Code of the Village of Tuxedo Park is hereby amended, to read as follows:

"§100-16. Accessory Buildings or Structures/Use of Premises.

- A. No accessory building or structure shall be built or used and no portion of any lot shall be used unless there is a principal building or structure on the same lot or on the immediately adjoining lot under the same ownership and such building or structure or premises is used as an accessory to any such lot by the owner or guest of such lot.
- B. No accessory building or structure or portion of any premises may be used, occupied, rented or leased independently from the principal building on the same lot or on the immediately adjoining lot under the same ownership. Notwithstanding this prohibition, accessory buildings may be used for purposes as expressed in Chapter 51 independently from the principal building use."

Section 5. Severability. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.