

RYE PLANNING BOARD
PROPOSED ZONING ORDINANCE AMENDMENT 2024-01
RE: Two Dwellings on One Lot

Amendment to the Rye Zoning Ordinance §190-2.2.D Applicability of use district regulations. as follows: (Note: ***New text emboldened and italicized.*** Deleted text ~~struck through~~).

§190-2.2.D. Lots.

- (1) In the Single Residence and General Residence Districts only, ***except as otherwise expressly permitted in this § 190***, there shall be no more than one principal building on one lot.
- (2) Lots with two or more principal dwellings.
 - (a) A lot which has two or more principal dwellings is a nonconforming use. Notwithstanding any provision to the contrary in Section 190-6.2 and 190-6.3, on such lots with two or more principal dwelling units, the following are prohibited expansions of a nonconforming use and/or non-conforming structure:
 - [1] Increasing the building footprint of a dwelling.
 - [2] Enlarging the bulk of a dwelling.
 - [3] Adding decks, porches or other appurtenances to a dwelling, including roof decks.
 - [4] Enlarging decks, porches or other appurtenances of a principal building.
 - (b) This provision applies to all lots which have two or more principal dwellings, including lots having such dwellings in the condominium form of ownership.
 - (c) ***Lots which contain two or more dwelling units and/or structures in a condominium form of ownership pursuant to a condominium conversion authorized under §190-5.3, shall be deemed to have two or more principle dwelling units on a lot, and no such dwelling unit and/or structure shall be expanded in the manner reflected in §190-2-2(D)(2)(a).***
 - (d) This provision shall not apply to those properties that have permitted accessory dwelling units or legal apartments.

Explanation.

The amendments to § 190-2.2.D and the amendment to the definition of "Principal Dwelling" under Article XI are intended to clarify that condominium conversions, which is taking multiple existing dwelling units on a single lot and establishing a condominium form of ownership, are permitted in the Single Residence and General Residence Districts if approved in accordance with § 190-5.3. The amendments also clarify, however, that any dwelling units or structures that are subject to a condominium conversion cannot be altered to expand the footprint or bulk of any condominium unit.