

Model Ordinance

Accessory Dwelling Unit (ADU)

Westchester County Department of Planning

November, 2019

1. **Purpose and Intent.** Accessory dwelling units are allowed in certain situations to:
 - a. Create new housing units while respecting the look and scale of single-dwelling development;
 - b. Support more efficient use of existing housing stock and infrastructure;
 - c. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
 - d. Provide housing that responds to changing family needs, smaller households, and increasing housing costs; and
 - e. Provide accessible housing for seniors and persons with disabilities.
2. **Definition.** An accessory dwelling unit (ADU) is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:
 - a. **Accessory apartments** are attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.
 - b. **Accessory cottages** are detached structures. Examples include converted garages or new construction.
3. **Eligibility.** An ADU may be added to a house on any residentially zoned lot.
4. **Number.** One ADU is permitted per residentially zoned lot.
5. **Occupancy.** A lot or parcel of land containing an ADU shall be occupied by the owner of the premises, and the owner may live in either the ADU or the primary dwelling unit.
6. **Creation.** An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to an accessory cottage while simultaneously constructing a new primary dwelling on the site.
7. **Density.** ADUs are exempt from the residential density standards of this code.
8. **Approval.** The Building Inspector/Administrator must approve the proposed ADU as complying with the standards of this ordinance. Applications for ADUs must meet the following criteria.
 - a. The applicant must demonstrate that the ADU complies with all development and design standards of this section.
 - b. The applicant must demonstrate that the proposed modifications comply with applicable building and fire safety codes.

- c. The applicant must provide certification by the Westchester County Department of Health that the water supply and sewage disposal facilities are adequate for the projected number of residents.
- 9. **Application Fees and Information.** Application fees for ADU's shall not be more than 30 percent of the application fee for a single-family dwelling unit. The information required on the applications for creating or legalizing ADU's shall be the same information that is required to construct a single-family dwelling unit.
- 10. **Occupancy and Use.** Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.
- 11. **Design.** Design standards for ADUs are stated in this section. If not addressed in this section, base zone development standards apply. All ADUs (accessory apartments and accessory cottages) must meet the following requirements:
 - a. **All ADU's:**
 - i. **Size.** An ADU may be no more than 800 square feet or the size of the primary dwelling, whichever is less.
 - ii. **Parking.** No additional parking is required for an ADU. Existing required parking for the primary dwelling must be maintained or replaced on-site.
 - b. **Accessory apartments** must meet the following additional requirements:
 - i. **Location of entrances.** Only one entrance may be located on the facade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory apartment was created.
 - ii. **Exterior stairs.** Fire escapes or exterior stairs for access to an upper level accessory apartment shall not be located on the front of the primary dwelling.
 - c. **Accessory cottages** must meet the following additional requirements:
 - i. **Height.** The maximum height allowed for an accessory cottage is the lesser of [20-25] feet or the height of the primary dwelling.
 - ii. **Building setbacks.** Accessory cottages must be located at least six feet behind the primary dwelling, unless the accessory cottage is in an existing detached structure that does not meet this standard.
 - iii. **Building coverage.** The building coverage of an accessory cottage may not be larger than the building coverage of the primary dwelling.
 - iv. **Yard setbacks.** No portion of an existing building that encroaches within a required yard setback may be converted to or used as an accessory cottage unless the building complies with setback exemptions available elsewhere in the code (e.g. garages).