

Westchester County ADU Model Ordinance

Pace LULA

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Previous Reports on ADU's

A GUIDE TO ACCESSORY APARTMENT REGULATIONS:

THE WESTCHESTER EXPERIENCE



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APPENDIX I ACCESSORY APARTMENT REGULATIONS IN WESTCHESTER COUNTY

Municipality	Where Allowed	How Granted	Number of Units per Lot	Floor Area of Apartment	Parking	Occupancy	Comments
Town of Bedford - Adopted 7/25/89. Article VIII Section 125-79 and 125-79.1 of the zoning ordinance.	Accessory apartment permitted: All residential districts. In R-2A and R-4A one-family districts, owner may create a cottage in an existing accessory building.	Special Permit granted by Planning Board. Renewal after 5 years by the building inspector, subject to site inspection.	No more than one cottage or accessory apartment per lot.	At least 400 s.f. and not more than 800 s.f., but may not exceed 25% of the total floor area of the main unit.	Not less than 2 spaces must be provided on the lot. Additional screening and/or planting may be required.	Owner of lot shall occupy at least one of the units on premises. In accessory apartments, no more than 5 persons shall occupy the lot.	The lot must meet all area, yard, and coverage requirements of the zoning district in which it is located. Approval of the Westchester County Department of Health must be obtained for water supply and sewage disposal systems. No exterior changes shall be made to the dwelling that alter the single-family character of the dwelling.
Town of Cortlandt - Adopted 4/6/82. Chapter 86 (Zoning) of the Town Code.	All one-family zones. In R-80 or R-40 One-Family districts, the apartment may be located in either a principal or in an accessory building, if such building permit existed prior to 4/21/79. In all other zones, the apartment may only be located in a principal building lot that existed prior to 4/21/79.	Special Permit by the Zoning Board of Appeals, valid unless ownership of property is changed.	Not more than one accessory apartment per lot.	At least 300 s.f., but may not exceed 25% of building up to 600 s.f., whichever is less. An existing principal dwelling may be expanded to accommodate the accessory apartment. An existing accessory building may not be expanded if it is less than 200 s.f. or more than 500 s.f.	Based on number of bedrooms: 0-3 BRs-at least 3 spaces; 4-5 BRs 4 spaces; 6 or more BRs 5 spaces. An appeal to the Zoning Board of Appeals may reduce the number of required parking spaces by 1.	Owner of lot shall occupy at least one dwelling unit on premises.	The building in which the accessory apartment is to be located must conform to the other requirements of the Zoning Ordinance. No exterior changes shall be made to the dwelling that alter the single-family character of the dwelling. Proposed water and sewer facilities must be approved by the Westchester County Dept. of Health and the Town Water Superintendent.
Croton-on-Hudson - Adopted 10/16/82. Chapter 13.15 of the Zoning Ordinance.	All one-family districts, in buildings that existed prior to 10/16/82. No accessory apartments are permitted within any accessory building.	2-year Special Permit granted by Planning Board. \$50 application fee is required. If the residence of the owner changes, special permit becomes void. If ownership changes special permit shall remain in effect for balance of its term.	1 accessory apartment per lot.	At least 400 s.f., but may not exceed 750 s.f. or 33% of the floor area of the habitable floor area of the building in which it is contained, whichever is less.	At least 3 spaces per lot.	Owner of lot shall occupy at least one of the units, and the occupant of at least one of the dwelling units must be at least 55 years of age.	This ordinance is specifically focused on allowing accessory apartments in order to encourage senior citizens (i.e., those individuals over 55 years of age) to remain in the community, either in residences owned by them, or as occupants in accessory apartments. Approval of the Westchester County dept. of Health must be obtained for water supply and sewage disposal systems, when not served by Village's system. No exterior changes shall be made to the dwelling. The accessory apartment shall have separate access not observable from the street except for cases where there is single access from front of building with a split access inside the building. The lot must meet all area, yard, and coverage requirements of the zoning district in which it is located.

Westchester County Housing Needs Assessment

- ▶ Details on County-wide needs and by Municipality
- ▶ Recommendations for Model Ordinances
 - ▶ Accessory Dwelling Unit Model Ordinance (November 2019)
 - ▶ Senior Housing Model Ordinance (underway in 2020)
 - ▶ Parking Regulations Model Ordinance (2021)



ADU Ordinances in Westchester County

- ▶ At least 17 municipalities permit ADU's
- ▶ Many similar components
- ▶ Recent interest following update of local Comprehensive Plans



Drafting of County ADU Model Ordinance

- ▶ Some sources:
 - ▶ AARP Model Ordinance
 - ▶ Accessorydwellings.org



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.

What did we keep the same?

- ▶ Size requirements (no more than 800 s.f.), setbacks, height, coverage, entrances, etc
- ▶ Includes detached/cottages
- ▶ Still requires owner in one of the units
- ▶ Still limits to one ADU per lot



What's new in County Model Ordinance?

- ▶ ADU's "as of right" in all residential districts (not just single family districts)
- ▶ No local board approvals or special permits
- ▶ Requires approval of Building Inspector/Engineer
- ▶ No expiration date of permit



What's new in County Model Ordinance?

- ▶ Can be created new (no home age requirements - no “built before 199_____”)
- ▶ No additional parking
- ▶ Fee - no more than 30% for a single family dwelling unit
- ▶ County Health Dept. certification



Thanks! Questions?

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