

## **Article XIIB**

### **Accessory Dwelling Units**

#### **200-100.16**

**Legislative Intent:** It is the purpose of this Article to allow accessory apartments in single-family residences in the Village of Ardsley to

- A. Provide opportunity to establish small rental dwelling units as accessory to single-family dwellings in the Village of Ardsley respecting the aesthetics and scale of single-dwelling development and to ensure that any accessory dwelling unit meets applicable building, fire and safety standards;
- B. Ensure that accessory dwelling units do not contribute to or aggravate traffic congestion and parking problems;
- C. Establish small rental dwelling units without increasing building density by utilizing residential and accessory building resources as a means to meet the housing needs of the Village population which may be under-served, especially single persons and couples of all ages with low and moderate incomes, and relatives of existing residents of Ardsley;
- D. Provide economic support for individual residential owners and families, particularly homeowners who would benefit from rental income and those of moderate means, for whom there are limited housing options should they desire to move elsewhere and remain in the Village;
- E. Encourage diversity in the housing stock and the residential population of Ardsley;
- F. Provide accessible housing for seniors and persons with disabilities;
- G. Promote the health, safety and welfare of the residents of the Village of Ardsley and preserve property values;
- H. Provide housing that responds to changing family needs, smaller households, and increasing housing costs.

**200-100.17 Definitions.** The following terms, as used in this article, shall have the following meaning

- A. Accessory Dwelling Unit - An accessory dwelling unit (ADU) is a dwelling unit which is incidental and subordinate to a permitted principal one family residence use, and is located on the same lot therewith. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation.
- B. Accessory Apartment - An ADU that is attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.
- C. Accessory Cottage – An ADU that is located in an accessory building. Examples include converted detached garages or new construction.

#### **200-100.18 Eligibility.**

An ADU may be added on any lot in the R-1, R-2 and R-3 Zoning Districts on which there is a one family dwelling that that meets the requirements of this chapter.

#### **200-100.19 Number of accessory dwelling units per lot.**

One ADU is permitted per lot in the R-1, R-2 and R-3 Zoning Districts.

**200-100.20 Owner occupancy required.**

A lot or parcel of land containing an ADU shall be occupied by the owner of the premises, and the owner must live in the primary dwelling unit. Furthermore, the owner of the one-family lot upon which an ADU is proposed shall have owned and occupied the principle dwelling unit on the property for a minimum of two years immediately preceding the creation of the ADU.

**200-100.21 Location on the lot.**

- A. An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing accessory building to an accessory cottage.
- B. An ADU may be located in the principal dwelling building or accessory building provided that such principal dwelling building or accessory building conforms to the other requirements of this chapter, unless a variance therefor shall have been granted by the Zoning Board of Appeals.
- C. An ADU shall not be located in space originally designed to be used for the indoor storage of vehicles, unless such space is in excess of that which is needed to satisfy the minimum off-street parking requirement for the existing principal use on the subject property or unless an alternative on-site location for such parking is provided. Such alternative location may include but shall not be limited to newly constructed garage space or an outdoor parking area located entirely on the property.

**200-100.22 Density.**

ADUs must comply with all of the applicable residential density standards and zoning regulations of this code.

**200-100.23 Floor Area.**

The floor area for an ADU shall be at least 300 square feet, but in no case shall it exceed the lesser of 800 square feet or 30% of the total area of the principle dwelling building on the lot. There shall be no more than two bedrooms in any ADU.

**200-100.24 Exterior appearance.**

No exterior changes shall be made to the building in which the ADU is located that, in the opinion of the Board of Architectural Review, would alter the single-family character and appearance of the property.

**200-100.25 Parking Requirements**

In addition to the parking requirements for the principal dwelling and other permitted uses, one accessible and usable off-street parking space shall be provided for each ADU.

**200-100.26 Water and sewer service**

Approval of the proposed method and adequacy of water supply and sewage disposal shall be obtained from the Westchester County Health Department, if required, and shall be further subject to approval by the Planning Board and Building Inspector.

**200-100.27 General Regulations**

- A. The proposed accessory apartment shall be in compliance with all applicable federal, state and local zoning, building, fire, electrical, health and safety codes.
- B. The proposed accessory apartment shall not adversely affect the single-family character of the neighborhood.

- C. The ADU may not be listed for short term rental and the minimum rental or lease period shall not be less than 365 days nor more than 3 calendar years.
- D. There shall be a maximum of 50 ADUs in the Village.

**200-100.28 Application Procedure:**

- A. A permit for an ADU is to be obtained from the Building Department
- B. A permit for an ADU may be issued only to the owner-occupant of the principal residence at which the accessory apartment is to be located, and said owner must have owned and occupied the principle residence for the two year immediately preceding the application.
- C. An applicant for an ADU permit shall furnish a completed building permit application, a site plan indicating existing and proposed building and lot conditions, floor plans of the principal or accessory building and the proposed accessory apartment and elevation drawings of the principal or accessory building.
- D. The site plan shall also include a location map showing the applicant's property and adjacent property and streets, location of existing and proposed off-street parking, the location of all existing and proposed water and sewer lines, storm water management structures and ingress and egress to/from the site.
- E. Planning Board Site Plan Approval shall be required for any ADUs that are proposed to be located in a newly constructed principle or accessory building.
- F. An application to add and ADU to a property shall not be considered and a permit shall not be issued for any property on which a code violation exists.

**200-100.29 Fees:**

Application and permits fees for ADUs shall be the same as the fees for building construction as enumerated in §A210-3 of this code.

**200-100.30 EFFECTIVE DATE:**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.