

Accessory Dwelling Units

Proposed Legislation for Village of Croton-on-Hudson

October 24, 2022

History of Accessory Apartments in Village

- The first legislation permitting accessory apartments was adopted by the Village Board in 1982. At that time, either the main dwelling unit or the accessory apartment had to be occupied by at least one person age 55 or over. The permits were subject to renewal every two years.
- In 1994, the Accessory Apartment law was amended to extend the renewal period for the special permit from two years to three years.
- In 2015, the Accessory Apartment law was further amended to remove the age restrictions on the accessory apartments.

Model ADU Ordinance

- In 2019, the Westchester County Dept. of Planning released a model accessory dwelling unit (ADU) ordinance which municipalities could adopt in whole or in part. The reasons given by the county to support ADUs were as follows:
 1. Create new housing units while respecting the look and scale of single-dwelling development;
 2. Support more efficient use of existing housing stock and infrastructure;
 3. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
 4. Provide housing that responds to changing family needs, smaller households, and increasing housing costs; and
 5. Provide accessible housing for seniors and persons with disabilities.

Model ADU Ordinance

- The model ADU ordinance differs from the Village's existing accessory apartment law in a few ways. One would be that, in addition to accessory apartments within the main dwelling unit, accessory dwelling units (detached from the main dwelling unit) would be permitted.
- The model ADU ordinance also calls for the units to be approved by the Building Inspector rather than a permitting board (in our case, the Planning Board).
- Finally, the model ADU ordinance calls for no additional parking requirement for ADUs. The current law requires off-street parking for any accessory apartment.

Village Board Discussion – August 2022

- On August 22, 2022, the Village Board discussed the model ADU ordinance at its work session.
- This discussion resulted from the housing report that was submitted to the Village Board by the Village’s Housing Task Force.
- Among the recommendations in the housing task force report: *“The Village should consider modifying its existing Housing ordinance to facilitate additional legal accessory dwelling units. One consideration for the village would be to adopt the Model Accessory Dwelling Unit Ordinance recently passed by the Westchester County Board of Legislators.”*

Village Board Discussion – August 2022

- The Village Board discussed each section of the model ADU ordinance. That discussion resulted in the following:
 - Keeping the Planning Board as the approver of new units.
 - Pro-rating building permit fees to 50% of cost for single-family dwelling.
 - Permitting ADUs on single-family lots only with a larger setback of 10 feet and subject to the existing bulk regulations.
 - Change in ownership will no longer require Planning Board approval; just registration with the Village Engineer.
 - Keeping the requirement that one of the units be owner-occupied.
 - Permitting ADUs in accessory structures (such as garages) on a single-family lot.

Village Board Discussion – August 2022

- Accessory apartments should be between 300 and 800 square feet, but in no case more than 40% of the main dwelling unit.
- ADUs can be between 400 and 800 square feet but in no case larger than the main dwelling unit.
- ADUs will be permitted on non-conforming lots.
- Remove off-street parking requirements (subject to Planning Board review). Residents of new ADUs will not be eligible to receive snow parking permits.

Examples of Existing Accessory Apartments

- Single-family home on Maple Street
- Accessory apartment exists on the second floor of the dwelling.
- Access to the apartment is through a side entrance as required by the existing code.



Examples of Existing Accessory Apartments

- Single-family home on Grand Street
- Accessory apartment exists in the basement of the dwelling.
- Additional on-site parking as required by existing code.



Examples of ADUs in Other Communities



Photo 3. Barn at 275 Old Main Street, looking southwest.

Converted Barn on Cape Cod



Converted Garage in Delaware



Backyard ADU in New York

Examples of ADUs in Other Communities



Backyard ADU in California



Converted Garage in Oregon