



# VILLAGE OF TARRYTOWN

## BUILDING DEPARTMENT

One Depot Plaza, Tarrytown, New York 10591-3199

Telephone (914) 631-3668 Fax (914) 631-1571

[www.tarrytowngov.com](http://www.tarrytowngov.com)

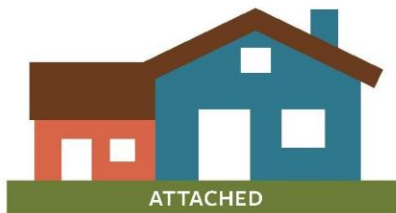
## ACCESSORY DWELLING UNIT GUIDE

### I. OVERVIEW

The purpose of this guide is to assist homeowners with the consideration, design, and construction of Accessory Dwelling Units (ADUs). This manual will give an overview of the design requirements per the Building Code and Zoning Ordinance of the Village of Tarrytown.

#### What is an Accessory Dwelling Unit (ADU)?

An Accessory Dwelling Unit is a second, smaller dwelling unit either developed within an existing single-family house (such as in a basement, attic, or addition) or part of an accessory building (such as a converted garage or carriage house).



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

The Village of Tarrytown amended Zoning Code Chapter 305 to permit Accessory Dwelling Units in Single Family Residential Zones on February 8, 2023. As with any renovation or new construction, homeowners must apply for a building permit, but additional applications to land use boards may be required depending on the proposed construction.

## II. ZONING REQUIREMENTS

### Permitted Districts

- ADUs are permissible in any Single-Family Residential Zone : R-80, R-60, R-40, R-30, R-20, R-15, R-10, R-7.5 and R-5
- You can view the Zoning map for the Village of Tarrytown [here](#).
- ADUs are not permitted on lots with multi-family dwelling units within a Single-Family Residential Zone.
- Only one accessory dwelling unit is permitted per single-family detached dwelling.

### **Where can I locate an ADU on my property?**

- *Attached ADU:* ADUs can be located inside of an existing house on any of its floors, or all or part of a side or rear addition. This type is referred to as an *attached ADU*.
- *Detached Existing Accessory Structure:* An ADU can be part of a garage, carriage house, or other legal, conforming detached accessory structure that complies with the Zoning Code.
- *New Detached Accessory Structure:* An ADU can be built within a new detached accessory building that meets all the requirements of this Chapter only in the R-80, R-60, R-40, R-30, R-20 and R-15 residential zones, subject to any applicable building and fire code standards.

### Design Specifications

#### **How big can an ADU be?**

- An ADU can have a maximum habitable floor area of 1,000sf or 50% of the habitable floor area of the lot's primary dwelling, whichever is less.
- The maximum height permitted is 25 feet or the height of the one-family dwelling main building, whichever is less.
- If building an ADU in an existing non-conforming structure, e.g. if installing an ADU in a main dwelling unit that does not meet setback requirements, the new ADU cannot increase the height of the building.
- In Zones R-80, R-60, R-40, R-30, R-20 and R-15, up to two bedrooms are permitted in an Accessory Dwelling Unit.
- In Zones R-10, R-7.5, and R-5, Accessory Dwelling Units may have no more than one bedroom.

## **What are required setbacks?**

- Setback requirements for front, side, and rear setback area are determined by zoning district. Please refer to the requirements set forth in Zoning Code Chapter 305 Attachment 5 for requirements for [Single-Family Residential Zones](#).
- An ADU can be installed within an existing principal dwelling that is non-conforming and does not meet setback requirements, but the non-conformity cannot be increased and the height of the principal dwelling cannot be increased by the ADU.
- Detached ADUs, whether new or existing, must meet all setback requirements.
- As with any renovation or construction, if the proposal does not meet Code requirements, the applicant has the opportunity to go before the [Zoning Board of Appeals](#).

## Occupancy Requirements

### **Who and how many people can live in an ADU?**

- Occupancy of an Accessory Dwelling Unit conforms to New York State Building Code standards which depend on the size of the unit and the number of bedrooms. The largest ADU with the maximum number of bedrooms (1,000sf and 2 bedrooms) would permit a maximum of 5 occupants.

### **Are there other occupancy or rental restrictions?**

- Leasing or rental of the ADU for less than 6 months is prohibited.

## Parking Requirements

- A property with an ADU must have a minimum of three off-street parking spaces with a minimum of one off-street parking space designated for the ADU, unless the property is located north of 119/White Plains Road and west of Broadway in which case this clause does not apply. Only the standard requirement of two off-street parking spaces would apply in these Single-Family Residential Zones.

## **III. APPLICATION PROCESS**

1. Determine if your property qualifies for an ADU.
  - a. Verify that your property is located in a Single Family Residential Zone by checking the Village of Tarrytown [Zoning Map](#).
2. Verify zoning compliance for required setbacks and minimum lot size by checking [Zoning Code Chapter 305](#), and specifically [Attachment 5](#).

3. Land Use Board Review is required in the following circumstances for Accessory Dwelling Units:

- 1) a new addition to an existing one-family dwelling is created for the ADU and the addition increases footprint, square footage or FAR triggering the requirement for Planning Board site plan approval under § 305-132(A)(1);
- 2) an existing garage is converted to an ADU resulting in the need for on-site parking triggering the requirement for Planning Board site plan approval under § 305-132(A)(2);
- 3) there is a change, addition or modification to land or buildings designated as an historic district or historic landmark by the Village Board triggering the requirement for Planning Board site plan approval under § 305-132(A)(3); and/or (ii) Architectural Review Board approval under § 9-4(A)(4).

*In addition, as with any building or renovation projects, there are certain applications that may trigger Land Use Board review because they do not comply with code specifications, and the construction of an ADU is no exception.*

4. Apply for a [Building Permit](#). Submit building plans, including plans for plumbing and electrical work as needed. Zoning compliance is reviewed as a part of building permitting process. Other possible permits required:
  - a. [Electrical Permit Application](#)
  - b. [Plumbing Permit Application](#)
  - c. [Demolition Permit, if applicable](#)
5. Start construction and building inspections.
7. Complete Owner's Affidavit for ADU.
8. Apply for [Certificate of Occupancy](#).

### Penalties for offenses

- 1) Any owner or builder, or any agent of either of them, who fails to secure a permit for the construction or creation of ADU, who allows occupancy of an ADU without a certificate of occupancy for the ADU, or who constructs or causes to be constructed an ADU in violation of the provisions of this chapter shall be in violation of this chapter and subject to penalties under § 305-115 of this chapter.

A Building Code violation is subject to a fine of up to \$250 for every offense if the violation is not abated within five days of written notice, and is applied for each and every week the violation continues beyond the five-day grace period. Each week's continued violation shall constitute a separate additional offense.

- 2) All ADU owners who have not previously obtained a permit and certificate of occupancy for an ADU located on their lots shall apply to the Building Department within six months following the effective date of this section (and if necessary, the Zoning Board of Appeals). If application is so made within said six-month period, the owner of the ADU shall not be deemed in violation of this section. If application is not made within said six-month period, the owner of the ADU shall be deemed in violation of this chapter and shall be subject to the penalties provided herein.