

Local Law No. 4 of 2025

(A Local Law Amending the Town Code Provisions Pertaining to Accessory Dwelling Units)

Section 1. Legislative Intent

The Town Board has been considering changes pertaining to Accessory Dwelling Units for nearly one year. These modernizations are intended to better reflect the existing demand and needs of the community.

Section 2. Amendments to Section 307-4: Definitions of the Town Code

A. The following definitions shall be added to Section 307-4: Definitions of the Town Code:

ACCESSORY DWELLING UNIT (ADU), ATTACHED

An accessory use consisting of a subordinate dwelling unit attached to or created within an existing single-family dwelling, that provides basic requirements for living, sleeping, cooking, and sanitation.

ACCESSORY DWELLING UNIT (ADU), DETACHED

An accessory use consisting of a subordinate dwelling unit in a detached accessory structure located on the same lot as a single-family dwelling, that provides basic requirements for living, sleeping, cooking, and sanitation.

PRINCIPAL RESIDENCE

A dwelling unit which is the owner or lessee's legal domicile, and where they reside for a minimum of 184 days in a calendar year.

B. The existing definitions in Section 307-4: Definitions of the Town Code shall be removed and replaced with the following:

DWELLING, SINGLE-FAMILY

A dwelling containing one dwelling unit or one dwelling unit and one accessory dwelling unit

DWELLING UNIT

One or more rooms in a dwelling designed and equipped for one family to occupy separately, reserved exclusively for the occupants of such room or rooms, with provisions for living, sleeping, eating, cooking and sanitation and having no enclosed space (other than vestibules, entrance hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. For the purposes of this definition, microwave and convection ovens, hot plates and similar movable appliances shall be considered as constituting provisions for cooking.

C. The following definition in Section 307-4: Definitions of the Town Code shall be removed:

ACCESSORY APARTMENT

An accessory use consisting of a separate dwelling unit, complete with its own sleeping, cooking and sanitary facilities, that is contained within an owner-occupied single-family dwelling or contained within an accessory building.

Section 3. Amendments to Section 307-29: Table of Required Off-Street Parking Spaces; rules for interpretation.

The “Accessory apartment” use and “Required number of Spaces” for “Accessory apartment” shall be removed and replaced with the following:

Accessory Dwelling Unit, Attached or Detached	1 per ADU
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Section 4. Amendments to Section 307-40: Approval Requirements

The existing language in Section 307-40(A) of the Town Code shall be removed and replaced with the following:

- A. A special permit from the Planning Board which meets the conditions of §§ 307-41 and 307-42 shall be required for Detached Accessory Dwelling Units and those home occupations designated as requiring special permits by § 307-14, Content of Table of Permitted Uses, of this chapter.

Section 5. Amendments to Section 307-45: Accessory Apartments

Section 307-45 of the Town Code shall be renamed “Accessory Dwelling Unit (ADU)” and the existing text shall be replaced with the following:

§ 307-45. Accessory Dwelling Unit (ADU).

A. Purpose.

The purpose of this section is to allow Accessory Dwelling Units (ADUs) on single-family properties in zoning districts where single-family dwellings are permitted, in order to provide the opportunity and encouragement for the creation of smaller rental housing units interspersed organically throughout the Town’s residential districts. Further, it is the purpose of this section to allow the more efficient use of the Town's stock of dwellings and accessory buildings; to provide economic support for resident households; to protect and preserve property values; and to preserve the character and appearance of single-family neighborhoods.

B. Permits required.

- (1) All Accessory Dwelling Units require the issuance of a building permit.
- (2) All Accessory Dwelling Units which receive a certificate of occupancy after August 1, 2025 require the issuance of an operating permit. The operating permit shall be renewed by the owner every three (3) years or upon a change of ownership.

- (3) All Detached ADUs require the issuance of a special permit by the Planning Board.**
- (4) Where applicable, Westchester County Department of Health approval may be required for on-site sanitary (septic) systems.**

C. Standards and conditions.

- (1) No more than one (1) Accessory Dwelling Unit (ADU) per lot may be permitted, nor shall the total number of dwelling units on any lot with an ADU exceed two (2).**
- (2) The owner of the lot upon which the Accessory Dwelling Unit is located shall occupy one of the dwelling units on the lot as their principal residence.**
- (3) The permit(s) shall be issued to the owner of the lot. The owner/applicant shall be required to file on the subject property a declaration of covenants at the Westchester County Clerk's office prior to the issuance of a permit(s) for an Accessory Dwelling Unit. This declaration shall be in favor of the Town of Cortlandt and shall state that:**
 - (a) The permit(s) for an Accessory Dwelling Unit or any renewal of said permit(s) shall terminate upon the death of the owner or upon the transfer of title to said lot or upon the owner no longer occupying the lot as their principal residence.**
 - (b) Any new owner of the lot shall have to apply for a new operating permit to continue the Accessory Dwelling Unit use.**
- (4) Should there be a change in ownership, application(s) for new permit(s) shall be submitted to the Town of Cortlandt to continue the Accessory Dwelling Unit use.**
- (5) Dimensional requirements.**
 - (a) The Accessory Dwelling Unit shall not exceed 800 square feet of gross floor area or 40% of the existing gross floor area of the single-family dwelling on the same lot, whichever is less.**
 - (b) Maximum number of bedrooms in an Accessory Dwelling Unit is two (2) bedrooms.**
 - (c) All setbacks for a Detached ADU, whether created via new construction or the conversion of an existing detached accessory structure, shall meet the minimum side and rear yard setbacks as required for the principal dwelling.**
 - (d) No Detached Accessory Dwelling Unit shall be located in a required front yard or corner lot side yard that faces the public street.**
 - (e) The maximum height of the structure containing a Detached Accessory Dwelling Unit shall not exceed the height of the structure containing the**

principal residence on the lot.

(6) Exterior appearance.

- (a) For an Attached Accessory Dwelling Unit, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a single-family dwelling.**
 - (b) For a Detached Accessory Dwelling Unit, the overall aesthetic of the accessory structure shall be in harmony with the single-family dwelling on the same lot.**
 - (c) Full-height exterior stairways accessing an upper floor of an accessory structure that is used, in whole or in part, as a Detached Accessory Dwelling Unit are prohibited.**
 - (d) All Detached Accessory Dwelling Units shall be sited in a fixed location on the lot.**
 - (e) Any new construction or alterations to existing structures related to the creation of a Detached Accessory Dwelling Unit shall be circulated to the Architectural Review Commission for an advisory opinion.**
- (7) Off-street parking shall be provided in conformance with the requirements of Article VIII.**
- (8) There shall be no renting of individual bedrooms within either the Accessory Dwelling Unit or the single-family dwelling.**
- (9) Transient (short-term) rental of the single-family dwelling and/or the Accessory Dwelling Unit is prohibited (see §281-2.D).**
- (10) Recreational vehicles, campers, camping trailers, and similar are prohibited from use as an Accessory Dwelling Unit.**
- (11) The Accessory Dwelling Unit shall meet the standards of the New York State Uniform Fire Prevention and Building Code.**

Section 6. Amendments to § 307 Attachment 2: Table of Permitted Uses.

- A. § 307 Attachment 2: Table of Permitted Uses, the provisions pertaining to “Accessory apartment” shall be removed and the following shall be added:

	CRO S	PRO S	R-160	R-80	R-40	R- 40A	R-20	R-15	R-10	RG	CC	HC	CD	MD	M-1	HC-9A	AWE	MOD
ADU, Attached	P	N	P	P	P	P	P	P	P	P	P	P	N	N	N	P	P	P
ADU, Detached	SP	N	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	N	N	SP	SP	SP

B. Language Modification to Table of Permitted Uses

The subcategory beginning with “Renting of rooms...” shall be modified to read as follows:

Renting of rooms in a single-family dwelling to no more than 2 renters or to a family, except on a premises containing an accessory dwelling unit, attached or detached.

Section 7. Amendments to § 307 Attachment 3: Table of Dimensional Regulations, Residential Districts.

A. The following shall be added to the section pertaining to “All Residential*” in the existing table:

Zoning District	Use	Maximum Height	Minimum SY Setback (feet)	Minimum RY Setback (feet)	Maximum Building Floor Area (square feet)
All Residential*	Accessory structures*				
	Accessory building not containing an ADU	(1)	6	6	(3)
	Accessory building containing ADU	Not to exceed the height of the principal building on the same lot	Same as principal building	Same as principal building	800 square feet of gross floor area or 40% of the existing gross floor area of the single-family dwelling on the same lot, whichever is less

B. Table Modification

The category of “Detached Building” shall be removed from Section 307 Attachment 3.

C. Notes Modification

The Notes for the table shall be modified to read as follows:

*** Accessory buildings with less than 25 feet of floor area are exempt from these requirements.**

(1) The height of accessory residential buildings shall be one story above grade as defined in the New York State Uniform Fire Prevention and Building Code and limited to 10 feet from the finished floor to the top of the exterior wall plate (eave) or underside of the ceiling joists, and the height to the top of the ridge shall not exceed seven feet.

(2) REMOVED

(3) The total footprint of all accessory buildings may not exceed 50% of the total floor area of the principal building.

(4) The maximum building coverage for principal dwelling use shall not exceed 65% of the allowed floor area ratio.

(5) REMOVED

Section 8. Accessory Apartment Language Throughout Code

All other references in the Town Code to “Accessory Apartment”, “Accessory Apartments”, “Accessory Unit”, or “Accessory Units” shall be changed to “Accessory Dwelling Unit” or “Accessory Dwelling Units”. This includes, but is not limited to, updating the terms in Chapter 275, Article 5; Section 259-2: Findings; Section 307-15(A)(7); and Section 307-65.7: Cortlandt Boulevard.

Section 9. Severability

If any section, subdivision, paragraph, clause, or phrase of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 10. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROE ROSE SHATZKIN
TOWN CLERK**

**Adopted July 15, 2025
At a Regular Meeting
Held at Town Hall**