

§112-202 Definitions

ACCESSORY DWELLING UNIT or ADU

A residential living unit on the same parcel as a single-family detached or attached primary residential structure. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling. A historic carriage house is not considered as an ADU.

§112-903(l) Accessory Dwelling Units. The following regulations shall apply to such facilities:

1. **“Intent.** There are many benefits associated with the creation of legal accessory dwelling units on lots in single-family zones and other zoning districts. These benefits include:
 - a. Increasing the supply of a more affordable and diverse type of housing not requiring government subsidies;
 - b. Helping older homeowners, single parents, young home buyers, and renters seeking a wider range of homes, prices, rents and locations;
 - c. Providing opportunities to reduce segregation of people by race, ethnicity, and income that resulted from decades of exclusionary zoning;
 - d. Providing homeowners with extra income to help meet rising ownership costs;
 - e. Creating a convenient living arrangement that allows family members or other persons to provide care and support for someone in a semi-independent living arrangement while remaining in his or her community;
 - f. Increased security, home care and companionship for older or other homeowners;
 - g. Reducing burdens on taxpayers while enhancing the local property tax base by providing a cost-effective means of accommodating development without the cost of building, operating and maintaining new infrastructure;
 - h. Promoting more compact urban growth, which reduces the loss of farm and forest lands, as well as natural areas and resources, while limiting increases in pollution that contributes to climate instability; and
 - i. Enhancing job opportunities for individuals by providing housing nearer to employment centers and public transportation.” - AARP ADU Model State Act and Local Ordinance
2. **Eligibility.** An ADU may be a permitted as an accessory use as identified in §112-304(B), subject to the conditions set forth in this Section and all other applicable provisions of this Chapter.
3. **Standards for Accessory Dwellings.** Any proposed ADU must be in compliance with the following standards:
 - a. The owner of the property shall be the resident of (1) of the two (2) dwelling units. (Isnt resident defined as living in the place for 50% of the year?)
 - b. There shall not be more than one (1) ADU created on any single parcel.

- c. An ADU shall be limited to a maximum of no more than **eight hundred (800) square feet of living space and no more than two (2) bedrooms**.
- d. Dimensional requirements.
1. Any ADU proposed within or attached to an existing structure shall be subject to all applicable residential dimensional requirements for the principal structure.
 2. Any detached ADU shall not be located within any front or side yard and shall be subject to all applicable residential dimensional requirements for accessory structures. (*Perhaps an exception should be considered for a detached ADU having a minimum setback of **six (6) feet** from the principal dwelling unit. ([§112-903.G.1](#) will need to be revisited based on this proposed section)*)
- e. The maximum building height for detached ADUs shall not exceed **(24) feet**. If an ADU is proposed for an accessory structure existing at the time of adoption of this Section in excess of ___ **feet**, the height of the existing structure is considered the maximum height permitted. ([§112-903.G.2](#) will need to be revisited based on this proposed section)
- f. Parking.
3. One (1) off-street parking space shall be required for an ADU, in addition to those required for the principal dwelling. The Building and Zoning official, may waive or modify this provision upon satisfactory evidence from the applicant that the occupant or occupants of the accessory dwelling unit will not generate the need for an additional parking space as outlined [§ 112-603: Parking space requirements](#).
 4. An ADU shall not be eligible for any street parking permits as part of the Residential Parking Program.
- g. A determination as to whether the public sewer and water should be connected through the primary dwelling or have its own connections; also a determination on the tapping fee required for the connection of the ADU to the public sewer system shall be made by the **Waste Water Department**. The tapping fee is determined by the Borough and adopted by resolution from time-to-time.
- h. An ADU shall not be subdivided from the principal parcel.
- i. Attached ADUs shall have an entrance separate from the entrance to the primary residence. This entrance may not be a part of the front façade of the primary residence.
- j. **Detached ADUs built on Lots adjacent to alleys.** Alleys are part of the rich historic public realm of the Borough. Any detached ADU placed along an ally should contribute to the character and 'sense of place' of the historic alleys. The following standards are required for detached ADUs built on lots adjacent to alleys;

5. To ensure compliance with this Chapter, an architectural plan shall be submitted as part of a building permit application, accurately drawn to scale, indicating the relationship and size of the two dwelling units within the existing structure, as well as parking areas and any proposed exterior alterations.
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- k. A use and occupancy permit shall be required prior to the occupancy of an ADU. The permit form, as provided by the Borough, and accompanying required fee shall be submitted by the property owner. An application to renew the permit shall be submitted annually prior to the intended continuation of occupancy. It shall be unlawful for the ADU to be occupied beyond the operative period of a permit. The ADU shall be subject to inspection by the Zoning Officer prior to issuance of the initial use and occupancy permit, and then at least once every three (3) years thereafter while the dwelling unit is occupied, on or about the date of initial occupancy.