

SECTION 566. SECONDARY DWELLING UNIT

Section 566.1 – Intent

It is the intent of this Secondary Dwelling Unit (SDU) section to:

- a. Provide flexibility in housing options in response to the changing needs of families;
- b. Create new housing units while respecting and maintaining the appearance and scale of single-family development;
- c. Provide housing that responds to smaller household size and increasing housing costs;
- d. Provide opportunities for a younger generation to live independently; and
- e. Provide an older generation with a means of obtaining rental income, security, companionship, and/or services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise need to leave.

Section 566.2 Definitions

Secondary Dwelling Unit – an additional dwelling unit established in conjunction with a primary residence (single family dwelling) on the same lot. A secondary dwelling unit shall include a kitchen, sleeping quarters, and full bathroom facilities with a permanent foundation. There are three types of secondary dwelling units: Interior (often referred to as an in-law apartment), Attached and Detached.

Primary Residence – is the principle residential structure.

Gross Floor Area – For the purpose of the secondary dwelling unit, the gross floor area shall be the total floor area (in square feet) of all floors in the secondary dwelling unit. If the secondary dwelling unit is part of a larger structure (garage, barn, or primary structure) then the gross floor area is calculated by the outside area of walls of the secondary dwelling unit only.

This would include stairwells and elevator shafts, but would not include areas such as unfinished basements, garages, or mezzanines.

Example 1: a one story building with exterior wall dimensions of 20' x 25' would have a gross floor area of 500 square feet. If that same building was two-stories, the gross floor area would be 1000 square feet.

Example 2: a one story building with exterior wall dimensions of 20' x 50' (1000 square feet) contained a secondary dwelling unit that was 20' x 25' then the gross floor area of the secondary dwelling unit would be 500 square feet.

Section 566.3 An Secondary Dwelling Unit may be permitted in the following zones:

- Rural Development
- Low Density
- Medium Density
- Residential Medium Density (Borough)

Section 566.4 Secondary Dwelling Unit Types

- Interior – Located within the existing primary residence and is typically a conversion of existing space. For example: an attic or basement.
- Attached – Living space that are added to the primary residence. The additional unit can be converted out of an existing attached garage or constructed on the side and/or rear of the primary residence.
- Detached – A freestanding unit separate from the primary residence. A detached garage conversion or new construction, within the same lot boundaries of the existing primary residence.

Section 566.5 Interior & Attached Secondary Dwelling Unit Requirements (Zoning Permit Only)

Interior and Attached Secondary Dwelling Units shall meet the following standards and requirements:

- a. No secondary dwelling unit shall be approved if accessory to a two-family dwelling or any multi-family use; (SDU are only allowed with a single family dwelling)
- b. Only one secondary dwelling unit shall be permitted for each lot;
- c. All setback requirements for the zone in which the accessory dwelling unit is located shall apply;
- d. The secondary dwelling unit is subject to all the applicable health, fire and building codes as the primary residence;
- e. The owner of the property must reside in either the primary residence or the secondary dwelling unit;

The secondary dwelling unit shall:

- not exceed 1,000 square feet in maximum gross floor area;
 - contain no more than one (1) bedroom;
 - be designed to preserve and maintain the single-family residential appearance of the subject lot and be consistent with the single-family character of the neighborhood;
- f. The lot on which the accessory structure is to be located shall conform to the minimum lot area requirement for the zone in which the property is located;
 - g. Access from the public right-of-way shall serve both the primary and secondary dwelling units; no additional curb cuts shall be created to serve a secondary dwelling unit.
 - h. Parking will be in compliance with Section 530 Off Street Parking and Loading standards.

Section 566.6 Detached Secondary Dwelling Unit Requirements (Site Plan Review)

Detached Secondary Dwelling Units shall meet the following standards and requirements:

- a.** No secondary dwelling unit shall be approved if accessory to a two-family dwelling or any multi-family use; (SDU are only allowed with a single family dwelling)
- b.** Only one secondary dwelling unit shall be permitted for each lot;
- c.** All setback requirements for the zone in which the accessory dwelling unit is located shall apply;
- d.** The secondary dwelling unit is subject to all the applicable health, fire and building codes as the primary structure;
- e.** The owner of the property must reside in either the primary residence or the secondary dwelling unit;

The secondary dwelling unit shall:

- not exceed 1,000 square feet in maximum gross floor area;
 - contain no more than two (2) bedrooms;
 - be designed to preserve and maintain the single-family residential appearance of the subject lot and be consistent with the single-family character of the neighborhood;
- f.** The lot on which the accessory structure is to be located shall conform to the minimum lot area requirement for the zone in which the property is located;
 - g.** Access from the public right-of-way shall serve both the primary and secondary dwelling units; no additional curb cuts shall be created to serve a secondary dwelling unit.
 - h.** Parking will be in compliance with Section 530 Off Street Parking and Loading standards.
 - i.** The secondary dwelling unit must be located within 150 feet of the primary residence or be the conversion of an existing detached structure (e.g. garage) which is not currently a dwelling unit.
 - j.** Mobile homes or recreational vehicles shall not be used as an secondary dwelling unit.