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**IN THE MATTER**  
**Of**  
**LOCAL LAW 2024 -4 AMENDING THE**  
**ZONING CODE TO ALLOW AND**  
**REGULATE ACCESSORY DWELLING**  
**UNITS IN THE TOWN OF MANLIUS**

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**RESOLUTION ENACTING A**  
**LOCAL LAW**

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, and virtually on the platform commonly referred to as Zoom, the Town Facebook page and YouTube on the 28<sup>th</sup> of August, 2024, at 6:30 p.m.

The meeting was called to order by John T. Deer, Supervisor, and the following were present, namely:

	John T. Deer	Supervisor
	Sara Bollinger	Councilor
	Alissa Italiano	Councilor
	Katelyn M. Kriesel	Councilor
	Michael Nesci	Councilor
Absent	William Nicholson	Councilor
Absent	Ingrid Gonzalez-McCurdy	Councilor

The following resolution was moved, seconded, and adopted:

WHEREAS, with the goal of offering a broader variety of housing options, the Town Board has been considering a local law amending the text of Chapter 155 of the Town of Manlius Code to include “accessory dwelling units” among the specifically permitted uses in the Town’s R-1, R-3, or R-4 districts;

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law No. 2024 - 4, entitled “A Local Law Amending the Zoning Code to Allow and Regulate Accessory Dwelling Units in the Town of Manlius” as follows:

**LOCAL LAW 2024 -4, A LOCAL LAW AMENDING THE ZONING  
CODE TO ALLOW AND REGULATE ACCESSORY DWELLING  
UNITS IN THE TOWN OF MANLIUS**

**BE IT ORDAINED AND ENACTED** by the Town Board of the Town of Manlius, County of Onondaga, State of New York, as follows:

Section 1. That Chapter 155, Section 155-3 is hereby amended as follows:

**§155-3 Definitions.**

**B.** When used in this chapter, unless otherwise expressly stated or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

**ACCESSORY DWELLING UNIT**

A subordinate dwelling unit located either within a principal residential dwelling, (inclusive of garage if attached thereto), or within an approved detached accessory structure, having its own ingress and egress and providing independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation.

**SHORT TERM LEASING**

The leasing/rental of all, part or a portion of an Accessory Dwelling Unit for less than 30 days.

Section 2. That Chapter 155, Section 155-29 is hereby amended as follows:

**§ 155-29 Accessory use permits; application; fees.**

**A.** All permitted accessory uses, except Accessory Dwelling Units, requiring an accessory use permit from the Town Planning Board shall have site plan review and recommendation before such use shall be permitted. A public hearing shall be at the discretion of the Planning Board. The application shall be submitted by the owner of the subject property to the Planning Board and shall be reviewed in accordance with the following procedures and standards. If a public hearing is held, the costs of providing public notice shall be borne by the applicant.

Section 3. That Chapter 155, Section 155-29.1 is hereby added as follows:

**§ 155-29.1 Accessory Dwelling Units.**

**A.** Legislative intent and purpose. The intent and purpose of this section are to:

- (1) Provide opportunity for the right to establish smaller dwelling units as incidental and subordinate to single-family dwellings in the Town of Manlius and to ensure that any Accessory Dwelling Unit meets applicable building, fire and safety standards.
- (2) Establish smaller dwelling units by utilizing residential and accessory building resources as a means to meet the housing needs of populations which may be underserved, especially single persons and couples of all ages with low or moderate incomes, and relatives and/or caregivers of existing residents of Manlius.
- (3) Provide economic support for resident individuals and families, particularly property owners who would benefit from rental income due to low or moderate means, for whom there are limited housing options should they desire to remain in the Town.
- (4) Encourage diversity in the housing stock options and the residential population of Manlius.
- (5) Promote the health, safety and welfare of the residents of the Town of Manlius.

B. Requirements for special permits for Accessory Dwelling Units. An Accessory Dwelling Unit requires the issuance of a special permit. No special permit for an Accessory Dwelling Unit shall be approved unless the Planning Board finds that all of the following requirements are met:

- (1) The Accessory Dwelling Unit is located within the R-1, R-3, or R-4 District.
- (2) The Accessory Dwelling Unit must comply with the bulk area regulations (i.e., setback requirements, height requirements, lot coverage requirements, etc.) of the applicable district within which it sits.
- (3) The owner of the one-family dwelling unit must initially occupy either the principal dwelling or the Accessory Dwelling Unit as a principal residence.
- (4) The minimum floor area for an Accessory Dwelling Unit shall be 600 square feet, but in no case shall it exceed 50% of the floor area of the principal dwelling or 1200 square feet, whichever is less, unless, in the reasonable opinion of the Planning Board, a greater or lesser amount of floor area is warranted.
- (5) An Accessory Dwelling Unit shall not contain more than two bedrooms, each meeting requirements of applicable codes, including building, fire and safety and zoning.
- (6) A parking assessment shall be made on a case-by-case basis during the review of the special permit application by the Planning Board. At a minimum, existing required parking for the primary dwelling must be maintained or replaced on site and one parking space must be added for the Accessory Dwelling Unit.
- (7) The exterior finish of the Accessory Dwelling Unit, in the reasonable opinion of the Planning Board, is consistent with the exterior finish of the primary dwelling, and, is otherwise

consistent with the character of the neighborhood.

- (8) During the review of any application for an Accessory Dwelling Unit special permit, the Planning Board shall consider the effect of the proposed Accessory Dwelling Unit on parking, traffic, noise, congestion, appearance, and other site-specific factors that the Planning Board reasonably deems relevant to potential impacts on the neighborhood. Following consideration of these site-specific criteria, the Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the addition of an Accessory Dwelling Unit use to the subject property. The Planning Board may refuse to issue a special permit if it finds that the cumulative effects from approved Accessory Dwelling Units in the neighborhood, including the one proposed, will adversely affect the character of the neighborhood.
  - (9) The Accessory Dwelling Unit must comply with all relevant New York State Uniform Codes, including all requirements for a dwelling unit.
  - (10) No open violations of the Town of Manlius Code shall exist at the time of application for an Accessory Dwelling Unit special permit.
  - (11) A maximum of 50 validly issued Accessory Dwelling Unit special permits shall be permitted Town-wide. The limit on the number of Accessory Dwelling Unit special permits may not be varied by the Zoning Board of Appeals.
  - (12) There shall only be one (1) Accessory Dwelling Unit per lot.
  - (13) No Accessory Dwelling Unit shall be allowed on a pre-existing non-conforming lot.
  - (14) The applicant must obtain approval of the proposed method of water supply, sewage disposal and electrical services for the Accessory Dwelling Unit from any necessary governmental agencies or utility service provider and shall provide such approval to the Town.
- C. Procedure for special permits for Accessory Dwelling Units. In addition to the procedures set forth in § 155-27, the requirements as set forth in the administrative guidelines formulated by the Town of Manlius Office of Planning & Development must be met for a special permit for an Accessory Dwelling Unit.
- D. Short Term Leasing. An Accessory Dwelling Unit or any portion thereof shall not be used for Short Term Leasing.
- E. Any special permit issued pursuant to this section shall be valid for a period of seven (7) years from the date of issuance.
- F. Penalties.
- (1) Any property owner who allows occupancy of an Accessory Dwelling Unit in violation of this section or any other provision of this chapter, or any condition imposed by the Town in

connection with an Accessory Dwelling Unit shall be subject to, at a minimum, revocation of any special permit issued in connection with the Accessory Dwelling Unit.

- (2) In addition to the foregoing, any property owner who fails to obtain an Accessory Dwelling Unit special permit or who allows occupancy of an Accessory Dwelling Unit in violation of this chapter, or any condition imposed in connection with the special permit shall be guilty of an offense punishable by a fine of not less than \$1,000.00. Any continued violation shall constitute a separate additional offense and may be subject to applicable fines.

Section 4. This local law shall take upon the filing with the Secretary of State.

Underline – new language

~~Strikeout~~ – deleted language

**WHEREAS**, the Town Board held a public hearing on August 28, 2024, where all interested parties could be heard; and

**WHEREAS**, the Onondaga County Planning Agency reviewed the proposed local law, and, determined that the law will not have a significant county-wide impact, and, recommended that the local law be passed to meet the rising demand for housing in Onondaga County.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Local Law 2024-4 is hereby approved and enacted; and be it further

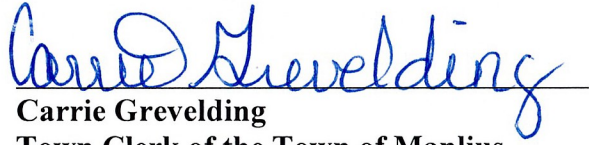
**RESOLVED**, that the Town Clerk is directed to file Local Law 2024-4 with the Secretary of State within 20 days of the date set forth herein.

I, **CARRIE GREVELDING**, Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 28<sup>th</sup> day of August, 2024; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I **FURTHER CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Manlius, this 28<sup>th</sup> day of August, 2024.

**DATED:**       **August 28, 2024**  
                  **Fayetteville, New York**

  
**Carrie Grevelding**  
**Town Clerk of the Town of Manlius**  
**Onondaga County, New York**