

## LOCAL LAW 2 - 2025

A local law to amend Chapter 130 of the Caledonia Town Code, add a new subsections to permitted accessory uses in R-1 Residence and R-R Agricultural and Rural Residence Districts of an Accessory Dwelling Unit

Be it enacted by the Town Board of the Town of Caledonia as follows:

The Town Board of the Town of Caledonia (“Town”) adopts this Local Law pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10(1) and (7); sections 261-263 of the Town Law and section 10 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

**Section 1.** Amending § 130-8 entitled “Definitions and work usage” to add the following definition under subsection A:

### **ACCESSORY DWELLING UNIT or ADU**

An accessory residential dwelling unit that provides independent living facilities for one or more persons, including a separate kitchen, bathroom, and sleeping area that is located either within the same structure as, or on the same lot as, a principal building that is a one-family dwelling unit. Camping trailers and recreational vehicles are not considered accessory dwelling units pursuant to this Chapter.

**Section 2.** Amending Article XV entitled “Special Regulations” to add a new Section 130-85.2 entitled “Accessory Dwelling Units” as follows:

#### § 130-85.2 Accessory Dwelling Units

A. Intent: The Town seeks to legalize and control existing accessory dwelling units in single-family residential zones and regulate new conversions or new construction of accessory dwelling units to diversify housing while ensuring single-family residential zones maintain their character; to ease single-family homeowners’ financial burden by allowing a means of rental income; and to provide for the health, safety and welfare of the Town of Caledonia’s residents and the occupants of accessory dwelling units.

B. Permit Required: No person shall commence the construction of an ADU or rent or lease an ADU in the Town of Caledonia without first having obtained an ADU permit from the Zoning Enforcement Officer. Site plan approval from the planning board pursuant to Article XI of Chapter 130 is required for the issuance of an initial ADU permit to demonstrate that the ADU complies with the requirements of subparagraph (3) of this section. Such ADP permit shall be renewed annually or within sixty (60) days of transfer of ownership of the lot where the ADU is located to demonstrate compliance with this section. As part of the review of the ADP permit renewal application, the Zoning Enforcement Officer is authorized to inspect the ADU and review landlord-tenant agreements to confirm compliance with this section.

C. Required standards. The Zoning Enforcement Officer shall grant an ADU permit

only to one-family dwellings for the creation, legalization or construction of an accessory dwelling unit (ADU): (i) within or as an addition to an existing one-family dwelling principal building in R-1 Residence Districts or R-R Agricultural and Rural Residential Districts; (ii) within an existing detached accessory building in a R-1 Residence District or R-R Agricultural and Rural Residential District provided the existing accessory building meets all the requirements of this Chapter; and (iii) within a new detached accessory building that meets all the requirements of this Chapter only in the R-1 Residence District or R-R Agricultural and Rural Residential Districts, subject to any applicable building and fire code standards and subject to these standards:

- (1) Number of ADUs per lot: There shall be no more than one ADU per lot.
- (2) Owner-occupancy. The owner of the one-family dwelling lot must reside in either the principal building or the ADU on the lot and such lot must be the owner's primary residence.
- (3) Floor area: An ADU shall have a minimum habitable floor area of 300 square feet and a maximum habitable floor area of not more than 50% of the habitable floor area of the lot's principal building.
- (4) Bedrooms. The maximum number of bedrooms in an ADU shall be two.
- (5) Nonconforming Principal Building: Notwithstanding any other provision of this Chapter, an existing principal building that is legally non-conforming with current dimensional or coverage regulations may be legally changed in use, in part, to an ADU provided that the dimensional non-conformity is not increased and provided the height of an existing building that fails to meet setback requirements is not increased.
- (6) Entrances. No new entrances to the street-facing façade of a principal building may be added for the purpose of creating an ADU.
- (7) Height of ADU. Notwithstanding any other provisions of this Chapter, the maximum building height shall be the lesser of: (1) 25 feet; or (2) the height of the one-family dwelling principal building.
- (8) Minimum term of rental: The rental term of an ADU shall be for at least six months.
- (9) Parking: Single-family dwellings improved with an ADU shall have a minimum of a total of three off-street parking spaces with a minimum of one of the three off-street parking spaces designated for the ADU.
- (10) Certificate of Owner Occupancy: The owner of the property shall certify to the Town, in the form of an affidavit provided by the Zoning Enforcement Officer that the owner resides at the one-family dwelling improved with an ADU

as the owner's primary residence in either the primary dwelling unit or the ADU. Such certification shall be made at the time of the initial application filed with the Zoning Enforcement Officer and after the sale or conveyance of the one-family dwelling.

- (11) Adequacy of Septic and Water System: If the lot is serviced by well water and/or a septic system the owner must demonstrate that the existing water well and/or septic system can handle the addition of any ADU by securing the necessary permits from the Livingston County Department of Health.
- (12) Dimensional Standards. The ADU shall comply with the setback requirements of the principal building on the lot.

D. Penalties for offenses.

- (1) Any owner or builder, or any agent of either of them, who fails to secure an ADU permit for the construction or creation of an 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 § 130-107 of this chapter.
- (2) It shall be unlawful to rent or lease any portion of any premises as an ADU in the Town of Caledonia without first having obtained an ADU permit and certificate of occupancy for the ADU from the Code/Zoning Enforcement Officer.
- (3) 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 Zoning Enforcement Officer 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.

**Section 3:** Amending Article III entitled "R-1 Residence District" Section 130-14 entitled "Permitted Uses" to add a new subsection "D" as follows:

- D. Accessory dwelling units, provided that the special regulations of § 130-85.2 are met.

**Section 4:** Amending Article II entitled "R-R Agricultural and Rural Residence District" Section 130-10 entitled "Permitted Uses" to add a new subsection "F" as follows:

- F. Accessory dwelling units, provided that the special regulations of § 130-85.2 are met.

**Section 5: Severability**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

**Section 6: Effective Date**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.