

**TOWN OF MIDDLEFIELD**

**LOCAL LAW # 1 OF 2024  
As adopted August 13, 2024**

**A local law amending the Town Zoning Law**

The provisions of this Local Law shall amend the provisions of the Town of Middlefield Zoning Law, enacted June 14, 2011 by the Town as Local Law No. 1 of the year 2011, as amended by Local Law No. 1 of the year 2016, Local Law No. 2 of the year 2019, and last by Local Law No 4 of the year 2023.

**Be it enacted by the Town Board of the Town of Middlefield, located in Otsego County and the State of New York, as follows:**

**Section 1.**

This Local Law shall be known as Local Law No. 1 of the year 2024, a local law amending Local Law No. 1 of the year 2011, in relation to Zoning in the Town of Middlefield.

**§2. PURPOSE**

This legislation is designed to increase the number of available housing units in the town by permitting accessory dwelling units (ADUs) to be built on residential lots, thereby providing flexible affordable housing options for seniors and others in our community. The units may also provide economic opportunities for homeowners.

**§3. The following definition shall be added as Article II, Section B., Subsection 1.05, inserted immediately after current subsection “1”:**

1.05. Accessory Dwelling Unit: An Accessory Dwelling Unit (ADU) is a dwelling within a principal single-family dwelling or in a separate accessory building on the same lot as a principal dwelling. It shall be subordinate to the principal dwelling.

**§4. The following provision shall be added as Article VI, Section G:**

G. Accessory Dwelling Units. Accessory dwelling units (ADUs) may be permitted on residential lots under the following conditions and terms in order to increase the number of available housing units in the Town, thereby providing flexible, affordable housing options for seniors and others in our community. The units also may provide economic opportunities for homeowners.

1. An application for an ADU first shall be presented to the Planning Board and include a site plan, floor plan, and, if there are exterior changes to an existing building or a new building is proposed, architectural elevations. The Planning Board shall review the application and make its recommendations to the Town Board. The Planning Board may recommend such reasonable conditions and restrictions as are consistent with the spirit and intent of the Town Zoning Law, including these ADU provisions. The Town Board will review the application with the Planning Board's recommendations and render a decision. Public hearings may be required at the discretion of either or both Boards. If the application is approved, the Zoning Officer will issue a Zoning Permit, if applicable.

(a) It is the intent of this Section that an ADU not adversely affect the character of a neighborhood. This includes the cumulative effect ADUs may have. Thus, the Town Board may disapprove an application should it find that the number of ADUs, including the one proposed, adversely affects the character of the neighborhood.

(b) While these ADU provisions are primarily intended to provide additional long term, affordable housing, economic support for owners, and aid in the ability of the elderly to age in place, it is not intended to prohibit transient rentals. However, only one dwelling on a lot with an ADU, including the ADU, may be used as a transient rental, and shall be limited to 90 days of transient rental per calendar year. On lots allowing for two ADUs, two dwellings may be used for transient rentals, each with the 90 day limit.

2. Subject to the conditions in subsection 1 of this Section, on any residential property one ADU may be allowed provided the following conditions are met:

(a) An ADU may be allowed on the property of a single-family dwelling in an R-HD or R-80 district. It can be attached (basement, attic, addition) or detached (e.g. garage, cottage, adaptive reuse of an existing agricultural building). An ADU may also be allowed as a separate dwelling unit on a conforming lot with a two-family dwelling. No ADUs shall be allowed in the Otsego Lake/Susquehanna River Shore Line Protection Area (see Article IV, Section G). An ADU does not preclude building a second principal dwelling on a lot qualifying for such.

(b) An ADU must conform to all current zoning requirements, including setbacks and height restrictions, with the exception that if the ADU is a separate structure the setback between the two dwellings must be at least 10 feet. An ADU may be allowed in a converted, non-conforming structure so long as the conversion does not increase the non-conformity and such use is not deemed inherently dangerous by the Town Board.

(c) An ADU may not be located in the front yard. At the discretion of the Town Board an exception may be made in the case of a pre-existing building.

(d) An ADU shall be limited to no more than two bedrooms and also to no more than 33% of the living space of the primary residence or 1000 square feet, whichever is larger.

This limitation applies to both new construction and the conversion of an existing building.

(e) In addition to the parking area for the principal residence there shall be two additional spaces for the ADU.

(f) A second ADU may be allowed on lots greater than 20 acres.

(g) The ADU may not be occupied until copy of the final Certificate of Occupancy, issued by Otsego County, is filed by the applicant with the Middlefield Town Clerk.

## **§5. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the New York State Department of State.