

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated. *Use italics or underlining to indicate new matter.*

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAY 07 2003

MISCELLANEOUS
& STATE RECORDS

County

City of Cooperstown

Town

Village

Local Law No. 4 of the year 2003

A local law Amend Zoning Law

(Insert Title)

Be it enacted by the Board of Trustees of the

(Name of Legislative Body)

County

City of Cooperstown as follows:

Town

Village

See Attached.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2003 of the ~~(County)~~(City)(Town)(Village) of Cooperstown was duly passed by the Board of Trustees on 4/21 2003, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Laura Miller
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 4/21/03

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF OTSEGO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature
Village Attorney
Title

~~County~~
~~City~~ of Cooperstown
~~Town~~
Village

Date: 4/22/03

To amend Local Law # 2 of 1989 and as amended by Local Law # 4 of 2000. All other portions of Local Law # 2 of 1989 and as amended by Local Law # 4 of 2000 remain intact.

SECTION IV. DISTRICT REGULATIONS

B. Procedure for Special Permit

2. A special permit shall not be issued until after a public hearing relating thereto is held. At such hearing, interested parties shall have an opportunity to be heard. At least fifteen (15) days notice of the time, place, and subject of said hearing shall be published by the Village in the official newspaper. The applicant of the special permit is responsible for providing a list of properties within 400 feet of said property to the Codes Official. The Village Codes Official will notify each property owner within 400 feet of the subject property in writing of said hearing at least fifteen (15) days prior to the hearing.

3a. The proposed use shall be of such location, size, and character that it will be in harmony with its surroundings and with the appropriate and orderly development of the district in which it is proposed to be situated. The use shall not be detrimental to its site or to adjacent properties. The density of the surrounding area, such as lot size, distances between structures, amount of open space, street width and parking regulations shall be carefully considered so as to maintain the integrity of the district;

3e. As a condition of all Special Permit uses, the Village Codes Official (see Section XI (A) page 27) has right of entry for inspection to determine compliance with the conditions of said permit. As a condition of a separate agreement between the Village of Cooperstown and Otsego County, the County Codes Official also has right of entry to determine compliance with the Residential Code of New York State. With respect to Tourist Accommodations uses, inspections shall be performed upon application and annually with reasonable notice. Both Codes Officials have the right to conduct unannounced inspections when investigating a signed complaint.

C. Special Permit Supplementary Regulations

1. Tourist Accommodations. The purpose of this section is to preserve the availability of residential housing units and maintain the essentially residential character of the Village of Cooperstown while at the same time provide for reasonable numbers of transient quest accommodations to support tourism. Tourist Accommodations will be permitted only in districts as specified in the Schedule of Regulations and subject to the following supplementary requirements:

a) Tourist accommodations (as distinguished from hotels and motels) are permitted only in owner-occupied and owner-operated buildings, which must be the primary residence of the owner. The owner must reside in the principle structure.

b) Tourist Accommodations are limited to the renting of no more than two (2) sleeping rooms, occupied by a total of no more than six (6) guests per establishment.

c) Tourist Accommodations may serve only breakfast to overnight guests; however, no meals shall be served to the general public.

- d) The operation of Tourist Accommodations shall be clearly secondary and incidental to the use of the structure as the primary residence of the owner.
- e) Rooms utilized for guest sleeping rooms in Tourist Accommodations shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
- f) Properties used as Tourist Accommodations shall not be floodlit. Drives, walks and parking areas may have shielded lighting fixtures to safely illuminate such areas. External lighting shall be provided as needed for safety of guests. All but necessary security lighting shall be extinguished after 11:00 p.m. All aspects of the exterior lighting plan shall be approved by the Planning Board.
- g) Tourist Accommodations shall strictly conform to Local Law #1 of 1988 amended by Local Law # 5 of 1988 (Noise Pollution Local Law).
- h) Sleeping rooms for two (2) guests must be at least one hundred and twenty (120) square feet in area, exclusive of closets and baths. Occupancy by more than four (4) guests in a sleeping room is not permitted.
- i) Tourist Accommodations shall not host events for a fee on the property except for open house tours no more than twice a year, regardless of whether a fee is charged to attend the open house.
- j) Tourist Accommodations shall be maintained at all times in full compliance with the applicable provisions of the Residential Code of New York State and agreement between the Village and the Otsego County Codes Office.
- k) The use of the structure as a Tourist Accommodation will not be detrimental to the health, safety or welfare of present or future inhabitants of the property as well as neighboring properties.
- l) A parking and traffic circulation plan shall be approved by the Planning Board. In addition to the applicable standards in Section VIII of this law, the following regulations also apply: Driveways, except shared driveways, which are already in existence, may be used for egress, so long as they are at least ten (10) feet in width. Shared driveways shall not be used in the parking and circulation plan. No cars shall be parked forward of the front façade of the principal structure. Parking spaces shall be paved with gravel or crushed stone as a minimum. All required and designated parking shall be maintained open and available for parking at all times the Tourist Accommodation is in operation.

SECTION IX. SITE DEVELOPMENT PLAN REVIEW

B. Objectives

- 7. Nearby Properties. In the case of Residential Districts, parking, pedestrian and vehicular circulation, lighting and noise associated with the proposed plan shall not interfere with neighboring property owner's right to enjoy the residential character of their property.

SECTION XI. ADMINISTRATION AND ENFORCEMENT: BUILDING PERMITS AND CERIFICATES OF ZONING COMPLIANCE; VIOLATIONS

J. Violations

- 2. Any person who shall violate any provision of this law, or shall build or alter any structure or use any land in violation of any statement or plan

submitted and approved there under, or shall knowingly assist therein, shall be liable for the following penalties:

First Offense – At least \$250.00 but no more than \$500.00

Second Offense – At least \$1,000.00 but no more than \$1,500.00

Third (and Subsequent) Offense(s) – At least \$1,500.00 but no more than \$2,500.00 or imprisonment not exceeding thirty (30) days or both such fine and imprisonment.

Each week of continued violation after notice will constitute a separate additional violation. For the purpose of conferring jurisdiction upon courts and judicial officers, violations shall be deemed misdemeanors. In addition to the foregoing provisions, the Village of Cooperstown shall have such other remedies for any violation or threatened violation of this law as are now or may hereafter be provided by law.

SECTION XII. BOARD OF APPEALS

B. Powers and Duties

5. Special Permits

f. Special Permits, excluding Tourist Accommodations, shall be deemed to be indefinite authorization unless otherwise specified in the approval thereof, but in any case shall expire within eighteen (18) months of date of approval unless a building permit has been issued for the special permit use. Such period may be extended on separate application to the Zoning Board of Appeals of the Village of Cooperstown.

g. Tourist Accommodation Special Permits are issued for a period of one (1) year upon payment of the fee of one hundred dollars (\$100) per sleeping room allowed in the Permit. Renewals for an additional one (1) year terms are conditional upon favorable inspection by the Village Codes Official and the County Codes Official and payment of the annual renewal fee of one hundred (\$100) dollars per sleeping room allowed in the permit. The Zoning Board of Appeals, however, may deny such renewal if the Codes Official has received a signed complaint and, in its opinion, the Tourist Accommodation has had an adverse affect on the quality of life of the surrounding neighborhood.

The Zoning Board of Appeals may also terminate the permit during the period it was issued if it is found that the establishment has been in material breach of the terms of the permit or other conditions of the law.

Tourist Accommodations operating legally through a Special Permit or under the terms of SECTION X . NON-CONFORMATIES AND NON-COMPLIANCE at the time of enactment of this amendment shall be allowed to continue to operate so long as they continue to conform to the terms of the Zoning Law. However, such Tourist Accommodations will be assessed a fee of one hundred dollars (\$100) per legally offered sleeping room annually on a date to be determined by the Board of Trustees of the Village of Cooperstown.

When a use allowed under Special Permit is discontinued or abandoned for a period of at one (1) year, the Special Permit shall expire.

SECTION XVII. DEFINITIONS

Transient Guest. Individuals or families who occupy overnight accommodations for compensation for a period of less than thirty (30) consecutive days.

Tourist Accommodation. Any single-family, two-family or multiple-family dwelling within which overnight accommodations are provided for or offered to transient guests for compensation. This includes tourist homes and bed and breakfast establishments. Motels and hotels are excluded from this definition.

g:/shared/zoning/amend zoning law