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

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STATE RECORDS

JAN 25 2018

County
City of Cooperstown
Town
Village

DEPARTMENT OF STATE

Local Law No. 1 of the year 2018

A local law amending Chapters 300 (Zoning), 227 (Signs), and 250 (Taxation) of the Code of the Village of Cooperstown to revise the requirements and procedures concerning transient rentals.
(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

A local law amending Chapters 300 (Zoning), 227 (Signs), and 250 (Taxation) of the Code of the Village of Cooperstown to revise the requirements and procedures concerning transient rentals.

Section 1. Purpose

The Village of Cooperstown's Comprehensive Plan, adopted in 2016 after months of public meetings and extensive public participation, includes an objective of facilitating a mix of year-round housing types in a variety of price ranges, including rental options, to meet the needs of all Village residents for safe, welcoming, pedestrian-oriented and family-friendly neighborhoods.

The purpose of this law is to provide for transient rentals in the Village's Residential, Business and Commercial Districts consistent with that objective.

Since 1989, the Village has had Tourist Accommodations laws that include criteria such as owner-occupancy, to ensure that residential uses have priority over business uses in residential zones. Amendments to the original Tourist Accommodation law were enacted to strengthen residential integrity while recognizing the need for tourist accommodations in the Village.

This local law is intended to foster long-term housing options. It codifies criteria to ensure that new Short-term Rentals remain incidental to long-term housing in residential areas, creates a procedure to phase out existing Transient Rentals that do not comply with new requirements, and establishes requirements for special use permits and annual registrations to operate a Transient Rental.

Section 2. Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended by deleting §§ 300-66 (E) (6) and 300-66 (E) (7).

Section 3. § 300-10 (B) (9) of Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended as follows:

Short-term Rental. (Special use permits considered by the Board of Appeals.)

Section 4. § 300-11 (B) (5) of Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended as follows:

Short-term Rental. (Special use permits considered by the Board of Appeals.)

Section 5. § 300-14 (B) (5) of Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended as follows:

Short-term Rental. (Special use permits considered by the Board of Appeals.)

Section 6. § 300-15 (B) (12) of Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended as follows:

Short-term Rental. (Special use permits considered by the Board of Appeals.)

Section 7. § 300-17 (A) of Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended as follows.

Short-Term Rentals: See Section 300-17.1 for all requirements regarding Transient Rentals.

Section 8. § 300-17 of Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended by:

- A. Deleting § 300-17 (D); and
- B. Re-designating § 300-17 (E), (F), (G), (H) and (I) as § 300-17 (D), (E), (F), (G) and (H), respectively.

Section 9. Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended by adding § 300-17.1, to follow § 300-17, as follows.

§ 300-17.1 Transient Rentals.

A. Existing Tourist Accommodation Special Use Permits and Pre-existing nonconforming Transient Rentals. Owner-occupied and Owner-operated Tourist Accommodations currently operating with a valid special use permit, and preexisting nonconforming Transient Rentals may continue to operate, subject to the provisions of § 300-17.1 (D) and (E).

B. New Short-term Rentals. The Board of Appeals may grant a special use permit for a Short-term Rental to an Owner subject to the provisions of §§ 300-16, 300-66 (E) and 300-17.1 (A) (1) through (9):

(1) Location:

(a) Residential Zoning Districts: Short-term Rentals shall only be permitted in Single-family dwellings or accessory apartments attached thereto in residential zoning districts.

(b) Business and Commercial Zoning Districts: Short-term Rentals shall be permitted in any building type in business and commercial zoning districts.

(2) Operator: All Short-term Rentals shall have an Operator.

(a) Residential Zoning Districts: The Operator shall be the Owner or an individual with a minimum of 50 percent ownership interest in the entity Owner.

(b) Business and Commercial Zoning Districts: The Operator shall be the Owner or the Owner's agent.

(3) Operator Duties: The Operator shall:

(a) Be a long-term Occupant of the property.

- (b) Be present on the property at regular times during each day and overnight whenever guest space is rented.
 - (c) Ensure safety and monitor noise and activities that create a public or private nuisance.
- (4) **Occupancy:** The maximum occupancy of any parcel in a Residential District shall be 10 people, and the building, as demonstrated on a floor plan submitted with the application, shall provide for the Operator a minimum of 1 bedroom for every two family members in residence.
- (5) **Incidental Use:** Short-term Rentals shall be Incidental to Residential use in Residential Districts.
- (6) **Parking:** Required off-street parking shall be:
- (a) In accordance with Article VII of this Chapter.
 - (b) Located in a manner that minimizes impacts to neighboring properties and streets including light, noise, snow removal, green space, street view.
 - (c) Available for parking whenever the Short-term Rental is in operation.
- (7) **Access and maneuvering:** In addition to the applicable standards in Article VII of this Chapter, the following regulations shall also apply:
- (a) The parcel/site shall safely accommodate the additional activity and parking.
 - (b) Driveways that are already in existence may be used for ingress and egress, provided they are at least 10 feet in width.
 - (c) Shared driveways shall not be used in the circulation plan without written acquiescence from all involved parties at the time of the application. If used, a shared driveway shall be at least 10 feet in width and remain accessible to all parties for the period of Short-term Rental use.
 - (d) The addition of a new driveway, or an expansion of an existing driveway, may be approved only if such is necessary and can provide for the safety of users and adjoining property owners.
 - (e) Parking and access lanes shall always be convenient to safely access and maneuver.
- (8) **Site lighting:**

(a) Property owners shall not permit on-site lighting to be directed toward adjacent properties or streets.

(b) All but necessary security lighting shall be extinguished after 11:00 p.m.

(9) Other Laws: Short-term Rentals shall comply with all other requirements of the laws (Village, county or state) governing the operation of a tourist accommodation or residential rental property.

C. Applications and term for new Short-Term Rental Special Use Permit.

(1) Application. An application for a special use permit for a Short-term Rental shall consist of:

(a) A complete application for a zoning permit.

(b) A list of all owners. Where the Owner is not an individual person, the names and ownership percentages of all individual persons with an ownership interest in the Owner shall be provided.

(c) A floor plan identifying the location of all sleeping rooms.

(d) A parking, circulation, and lighting plan.

(2) Special Use Permit. A Short-Term Rental special use permit shall be issued for a period of the current calendar year and two additional calendar years after which the special use permit shall expire.

(3) Initial Registration. Short-Term Rental registrations shall be issued by the Zoning Enforcement Officer ("ZEO") following the Board of Appeals granting of a Short-term Rental special use permit, the issuance of a fire safety inspection certificate from Otsego County Codes Office, and a favorable site inspection by the ZEO, which shall constitute the annual registration for the first year of operation (until the end of the current calendar year).

(4) Subsequent Registrations. The two additional calendar years of the special use permit shall be subject to the registration requirements below.

D. Registration for Transient Rentals. The Village maintains a master registration list of all approved Transient Rentals, including those with special use permits for Short-term Rentals and Tourist Accommodations and all pre-existing nonconforming Transient Rentals.

(1) All Transient Rentals are subject to annual registration in accordance with the following provisions:

- (a) An application for annual registration shall be made by the first business day of December for every following year.
 - (b) The application shall include a list of emergency contacts, current ownership information, name of owner-operator or owner's agent, and a fire safety inspection certificate dated within the past 12 months for the property from the Otsego County Codes Office.
 - (c) Proof of compliance with the Otsego County bed tax requirements for the previous year shall be verified by the ZEO before the annual registration application is considered complete.
 - (d) Annual registrations shall be issued by the ZEO only upon inspection and verification of conditions by the ZEO that show the property is operating in accordance with this chapter and the original application and approval, and/or is operating in accordance with its preexisting nonconforming use.
 - (e) Annual registrations shall be valid for one calendar year, January 1 to December 31.
 - (f) A registration fee shall be in accordance with the Village Fee Schedule.
- (2) Termination by Board of Appeals: Any Transient Rental considered by the ZEO to be in violation of the original application and approval and/or not operating in accordance with its current preexisting nonconforming use, as well as any property where there has been a signed complaint to the ZEO and the ZEO determines the Transient Rental has had an adverse effect on the quality of life of the surrounding neighborhood shall require review by the Board of Appeals. Following a public hearing, the Board of Appeals shall authorize approval or denial of the reissuance of the annual registration or may prescribe approval with restrictions to the operation of the Transient Rental to provide additional safeguards for the neighborhood and the public.

E. Termination of Transient Rental Use

- (1) A special use permit for a Short-term Rental or Tourist Accommodation shall become invalid, or the pre-existing nonconforming Transient Rental status of a short term residential unit(s) shall be terminated, in the event of the following:
- (a) Failure to apply for annual registration.
 - (b) Failure to meet any of the annual registration application requirements.
 - (c) Denial by the Board of Appeals of the reissuance of the annual registration.

(d) Expiration of the special use permit for a Short-term Rental or Tourist Accommodation.

(e) Sale or transfer of more than 50 percent ownership of the parcel, cumulative from the effective date of this local law.

(2) Following invalidation, expiration or termination, all new applications for a Transient Rental on the parcel shall be subject to the then current requirements for a new special use permit for a Short-term Rental.

F. Long-term occupancy.

(1) Any Transient Rental may be used for long-term occupancy without obtaining an additional special use permit from the Village.

(2) Where long-term occupancy is provided in lieu of transient rental the Owner shall remain current with the annual registration. Failure to remain current will result in the termination of the Transient Rental permit or loss of the nonconforming status.

G. Exception: Owners may rent their house to visitors during Hall of Fame Induction Weekend without an application for a special use permit or payment of a registration fee to the Village. The total household occupancy shall not exceed 10 individuals. The total rental period for the weekend shall be less than 60 hours.

Section 10. Subsections (A), (B), and (C) of § 300-33 of Chapter 300 (Zoning) of the Code of the Village of Cooperstown are amended as follows.

A. One space per unit for residential dwelling units with one bedroom or fewer in a Residential District and for each dwelling unit in a Business or Commercial District.

B. Two spaces per unit for residential dwelling units with two bedrooms or more in a Residential District.

C. One space per each guest sleeping room for Transient Rentals, Motels, and Hotels.

Section 11. § 300-33 (L) of Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended as follows.

In the Business District, the minimum requirement for off-street parking for all Short-term Rentals, Tourist Accommodations, Motels and Hotels shall be met. For all other permitted, special use permitted and nonconforming uses in the Business District, where the Zoning Enforcement Officer determines it is not possible to provide the number of off-street parking spaces called for by this Chapter, those parking requirements that cannot be met shall be waived. In cases where proposed expansion or new construction would eliminate existing required parking, the board charged with reviewing the parking plan shall review the project and may establish a lower

minimum parking requirement if doing so furthers the policies for land use as presented in Article I (§ 300-2).

Section 12. § 300-34 (C) (1) of Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended as follows.

In cases of Short-term Rentals and Home Occupations requiring a special use permit, the Board of Appeals shall review and approve the parking plan prior to issuing a special use permit.

Section 13. § 300-35 (C) (2) of Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended as follows.

Use. Off-site parking may be considered for all permitted or special permitted uses, except on parcels with Transient Rentals located within a residential district.

Section 14. § 300-49 (B) of Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended as follows.

It is the intent of this chapter to permit such nonconforming or noncomplying uses to continue until they are removed or discontinued, since they are felt to be incompatible with the permitted uses in the districts involved. In some special cases, approved by the Board of Appeals, they may be changed to another nonconforming use or to a use determined to be more conforming than the existing use. However, existing nonconforming Transient Rental units shall be subject to the regulations under Section § 300-17.1 for annual registration and conditions of termination.

Section 15. § 300-66 (E) (1) of Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended as follows.

In addition to such powers as may be conferred on it by statute, the Board of Appeals shall have the power, on application and after public notice and hearing, to issue special use permits for any of the uses so specified in §§ 300-10 through 300-15. In issuing such special use permits, the Board shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, as well as the conditions and standards set forth in §§ 300-16 and 300-17.1 and may prescribe such appropriate conditions and safeguards as may be required in order that the result of its action shall, to the maximum extent possible, further the expressed intent of this Chapter. On an application for a special use permit, an application may be made to the Board of Appeals for an area variance without the necessity of a decision or determination by the Zoning Enforcement Officer.

Section 16. § 300-84 of Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended by adding the following definitions:

INCIDENTAL. Subordinate in terms of square footage, intensity of use, and/or purpose.

LONG-TERM OCCUPANCY/OCCUPANT. Occupancy of a structure for 30 consecutive days or more.

SHORT-TERM RENTAL. A special permitted use for overnight accommodations provided for or offered to one or more transient guests in exchange for compensation. Meals may be served to overnight guests but not to the public. Motels and Hotels are excluded from this definition.

TRANSIENT RENTAL. Any rental for transient guests including Short-Term Rentals, Existing Tourist Accommodations and Pre-Existing Nonconforming Short-term Rental Units. Motels and Hotels are excluded from this definition.

MULTIPLE RESIDENCE PROPERTY. A parcel that includes more than one detached single-family dwelling.

Section 17. § 300-84 of Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended by revising the following definitions as follows.

ACCESSORY APARTMENT UNIT. A housekeeping facility provided with bathroom, cooking and living facilities accessory to and separate from the housekeeping facilities of the main single-family dwelling. Accessory apartment units may be located in a building accessory to the main single-family dwelling (detached) or within the same building as the single-family dwelling (attached).

DWELLING, SINGLE FAMILY. A building with the provisions of one dwelling for one family on a parcel with no additional dwelling units or business uses other than accessory apartments, Home Occupations, Tourist Accommodations, or Short-term Rentals.

DWELLING, TWO FAMILY. A building or buildings with the provisions of two dwellings, which are comparable in use and size, for two families on a single parcel with no additional dwelling units or business uses other than Home Occupations.

DWELLING, MULTIPLE FAMILY. A building or buildings with the provisions for three or more dwellings for three or more families on a single parcel with no business uses other than Home Occupations.

GUEST SLEEPING ROOM. A partitioned part of the interior of a Hotel, Motel, or Transient Rental which contains a bed or beds, is maintained primarily for sleeping purposes, and is let out by its owner or, in the case of a Hotel or Motel, any agent of its owner at any time to transient guests for compensation.

HOME OCCUPATION. An occupation or profession which is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit by a member of the family residing in the dwelling unit and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. Home Occupations include but are not limited to art studios, barbershops, beauty parlors, dressmaker shops and professional offices of physicians, dentists, lawyers, engineers, architects, accountants, real estate agents, educational classes or tutoring,

catering, and internet sales. However, commercial stables and kennels, restaurants, funeral homes and mortuaries and Transient Rentals are not considered Home Occupations.

HOTEL. A nonresidential building, group of buildings, or portion of a building, which provides accommodations for transient guests, and may provide a variety of accessory uses. Hotels shall include a minimum of 5 guest sleeping rooms and an owner of the building or an agent thereof in attendance on the premises whenever one or more of said rooms are occupied by guests.

MIXED OCCUPANCY. Use of a structure for one or more dwellings and one or more business or commercial uses.

MOTEL. Same as Hotel.

OWNER. The person that appears on the deed recorded in the office of the Otsego County Clerk.

TOURIST ACCOMMODATION. A Special Permitted Use granted prior to 2018 permitting a building within which overnight accommodations are provided for or offered to transient guests in exchange for compensation. Meals may be served to transient guests but not to the public. Motels and Hotels are excluded from this definition.

Section 18. § 300-84 of Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended by deleting the following definitions:

LONG-TERM OCCUPANCY

OWNER-OCCUPIED

OWNER-OPERATED

Section 19. Local Law 4 of 2015 is repealed.

Section 20. § 227-3 (A) (2) (d) of Chapter 227 (Signs) of the Code of the Village of Cooperstown is amended as follows.

Business identity sign. Rear or side exits/entrances other than for customer use, including delivery doors, apartment doors and Transient Rental entrances, located on sides adjacent to the front facade or on the rear facade, or both, may be identified by a business identity sign, subject to the following:

[1] Maximum area: two square feet per sign, per entrance.

[2] Signs shall provide the name of the business and the 911 street address.

[3] Advertising is not permitted.

Section 21. § 227-3 (B) (1) (c) of Chapter 227 (Signs) of the Code of the Village of Cooperstown is amended as follows.

Uses other than those listed in Subsection (B) (1) (a) and (b) above, e.g., Transient Rentals and accessory apartments, shall be allowed one sign, not to exceed six square feet.

Section 22. § 227-3 (C) (Table 1: Signs allowed with a permit, a summary of § 227-3A and B) of Chapter 227 (Signs) of the Code of the Village of Cooperstown is amended by replacing "tourist accommodation" with "Transient Rental".

Section 23. § 250-29 of Chapter 250 (Taxation) of the Code of the Village of Cooperstown is amended by revising the following definitions as follows.

COMMERCIAL PURPOSE OR USE

The buying, selling or otherwise providing of goods or services, including hotel/motel services, or other lawful business or commercial activities permitted in mixed-use property. For the purposes of this article, Tourist Accommodations and Short-term Rentals are not considered a commercial purpose or use.

RESIDENTIAL CONSTRUCTION WORK

The creation, modernization, rehabilitation, expansion or other improvement of dwelling units, other than guest sleeping rooms in a Hotel, Tourist Accommodation, Short-term Rental, or Transient Rental, in the portion of mixed-use property to be used for residential purposes.

Section 24. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

(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. 1 of 2018 of the ~~(County)~~(City)(Town)(Village) of Cooperstown was duly passed by the Board of Trustees on Jan 18, 2018, 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.
(Name of Legislative Body)
(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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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.

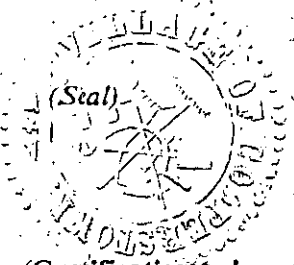
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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.

Gregory B. ...

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

Date: January 22, 2018



(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.

Robert ...

Signature

Village Attorney
Title

County
City of Cooperstown
Town
Village

Date: January 22, 2018