

Local Law Filing

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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.

County City Town Village
(Select one:)

of Cooperstown

Local Law No. 7 of the year 2023

A local law Amend Chapter 300- Zoning Law
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Cooperstown as follows:

Amend Chapter 300- Zoning Law as follows:

See Attached Sheets

(If additional space is needed, attach pages the same size as this sheet, and number each.)

300-10 and 300-15: In Commercial District and All Residential Districts – add as a Special Permitted Use:

Community Residential Facility

300-14 and 300-15: In Business and Commercial Districts – add as a Special Permitted Use:

Recreational Facility.

Game Room, as a Principal or Accessory Use.

300-17.1. Transient Rentals: Amend as shown below

- A. Existing Tourist Accommodation Special Use Permits and preexisting 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 § 300-17.1D 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, 300-17.1B(1) through (9), and 300-66E:
 - (1) Location:
 - (a) Residential zoning districts: Short-Term Rentals may only be permitted in (i) a Single-Family Dwelling or (ii) in an Accessory Dwelling Unit located within a Single-Family Dwelling.
 - (b) Business and Commercial zoning districts: Short-Term Rentals may be permitted in any building type in business and commercial zoning districts.
 - (2) Operator: All Short-Term Rentals shall have at least one operator.
 - (a) Residential zoning districts: All operators shall be an Owner named in the Deed, or in the case of an entity Owner shall be individuals each having a minimum of twenty-five percent ownership interest in the entity.
 - (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 present on the Property at regular times during each day and overnight whenever guest space is rented.
 - (b) Ensure safety and monitor noise and activities that create a public or private nuisance.
 - (c) In Residential zones: Use the Property as their Domicile, which for each individual operator shall be demonstrated by clear and convincing evidence including but not limited to STAR exemption for the purpose of Property taxes, residency claimed on state tax return, voter registration, vehicle registration, or state-issued identification card such

as a driver's license.

- (d) Only be an operator for one Village Property with a Special Use Permit for a Short-Term Rental.
- (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 one bedroom for every two Family members in residence.
- (5) Incidental Use: In Residential districts, Short-Term Rental Use of any Parcel shall be Incidental to Residential Use of that Parcel.
- (6) Parking: Required off-street parking shall be:
 - (a) In accordance with Article III concerning Lot Coverage and 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 the Owners of all parties sharing the driveway 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 copy of the Deed showing all Owners. Where the Owner is not an individual person, legal proof of the names and ownership percentages of all individual persons with an ownership interest in the Property shall be provided.
 - (c) Proof of Domicile of the operator. Personal information other than name and address may be redacted.
 - (d) A floor plan identifying the location of all sleeping rooms and all spaces for exclusive use of short-term renters.
 - (e) 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 preexisting 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, proof of the Domicile of the operator, 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 Special Use Permit, 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 Special Use Permit 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 preexisting 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.
- (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.
- (3) Preexisting nonconforming Transient Rentals that predate the establishment of Zoning regulations for such Use in 1988 will be able to continue uninterrupted, subject to the provisions of § 300-17.1E(1), until December 1, 2028. At that time, they shall cease operation. This is intended as a sunset/amortization provision. After December 1, 2028, use of these properties must be in conformance with the then-current zoning regulations. The Owner(s) of these properties may apply for a Special Use Permit for a Short-Term Rental based on compliance with all then-current Short-Term Rental standards and regulations, including all occupancy and operation requirements as established for the zoning district in which they are located.

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 Special Use Permit or loss of Nonconforming Use status.

G. Exception: Owners may rent their house or a portion of it 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.

300-24: Replace previous 300-24 with the following:

300-24 Waterfront Development Overlay District

- I. Purpose.
 - A. The purpose of the Waterfront Development Overlay District is to manage land use and development within the waterfront areas of the Village. The regulations are designed to protect Viewsheds, waterfront areas, and water quality and to maintain land use consistent with Wetland environments.
 - B. The overlay district is superimposed on the underlying zoning district; it establishes additional conditions or prohibitions on a Use within the respective zoning district.
 - C. The Waterfront Development Overlay regulations supplement permitting processes and other reviews required by county, state, or federal regulations.

- II. Goals.

The Waterfront Development Overly District is adopted with the following goals:

 - A. To preserve and enhance views of the waterfront from streets and sidewalks, parks, and other public areas.
 - B. To conserve the historic Viewshed from Otsego Lake and the Susquehanna River.
 - C. To provide continuity of access to the water from public lands.
 - D. To establish a level of development appropriate for a waterfront location.
 - E. To minimize adverse impacts on groundwater and waterbody quality.
 - F. To protect tributary streams and their deltas.

- III. Location
The Waterfront Development Overlay District encompasses the area of Cooperstown that is:
 - A. Within 100 feet of the Mean High Water Level of Otsego Lake
 - B. Within 75 feet of the Mean High Water Level of the nearest bank of the Susquehanna River
 - C. North of Lake Street between the Susquehanna River and the western Village boundary regardless of distance from Otsego Lake

- IV. Special Permit Required for All Uses.
 - A. Notwithstanding the provisions of Chapter 300, Article III, District Regulations, as amended, all Uses on Lots within the Waterfront Development Overlay District shall require a Special Use Permit with the exception of:

1. Public Parks or Playgrounds and other municipal facilities.
2. Accessory Uses to Single-Family Dwellings on Residential Lots excluding Short-term Rentals, accessory Home Occupations, and Accessory Dwelling Units.

B. Special Use Permit Review

1. The Village Zoning Board of Appeals shall review uses that concern Short-term Rentals, Home Occupations, or Accessory Dwelling Units.
2. The Village Board of Trustees shall review all other uses.
3. The Village Board of Trustees or Village Zoning Board of Appeals may place conditions on the Special Use Permit to meet the purpose and goals of this section.
4. When Site Development Plan review is required, a Special Use Permit shall not be issued until the Village Planning Board has made its recommendations.
5. Final Site Development Plan review may not be completed until after a Special Use Permit, with any requisite conditions, has been issued.

V. Setbacks, Viewshed, and erosion control.

A. Setbacks.

1. No Building or Structure, except for docks, walkways and stairs, seawalls, and Fences, may be constructed within:
 - a. 100 feet of the Otsego Lake shoreline.
 - b. 75 feet of the Susquehanna River.
 - c. 25 feet of Willow Brook within the Waterfront Development Overlay District.
2. Parking spaces and access drives for land vehicles shall be no closer than 25 feet to Otsego Lake, the Susquehanna River, or Willow Brook within the Waterfront Development Overlay District.

B. Viewshed.

1. A Special Use Permit applicant shall demonstrate by clear and convincing evidence that the proposed development will not significantly diminish the public use, enjoyment, or appreciation of the appearance and qualities of Otsego Lake or the Susquehanna River. This evidence may include:
 - a. Photography
 - b. Line-of-sight profiles
 - c. Field verification techniques
 - d. Computer visualization techniques such as photo and video simulations
2. Negative visual impacts on locations that are not publicly accessible or which cannot be seen by the public and only affect private property owners shall be minimized when feasible.
3. Except when required to meet prescribed safety requirements, all Structures within 100 feet of Otsego Lake, 75 feet of the Susquehanna River, and 25

feet of Willow Brook within the Waterfront Development Overlay District shall be no taller than 48 inches.

C. Erosion control

1. New construction shall be undertaken in a manner that maximizes ground water permeation and reduces runoff to the extent possible.
2. Within 20 feet of the shoreline, no trees or vegetation shall be removed except:
 - a. Trees three inches or less in trunk diameter.
 - b. Dead, dying, diseased or rotten trees, or other vegetation presenting safety, health or environmental hazards following documentation by the Village Zoning Enforcement Officer.
 - c. Routine trimming of branches and vegetation or mowing of lawns.
3. Owners are urged to maintain undeveloped areas in an unmowed, unfertilized state to maintain soil erosion control and protect water quality.

IV. Site Development Plan Requirement.

- A. Site Development Plan review shall be required under the provisions of 300-41.
- B. Notwithstanding the provisions of section 300-34(c)(1), when Site Development Plan review is required in the Waterfront Development Overlay District, the Village Planning Board shall review the parking plan as part of its Site Development Plan review process.

300-27: Uses specifically prohibited in all districts. [amend to delete amusement arcades]

- A. Shooting Galleries, ~~amusement arcades~~ and other uses of a similar nature are prohibited.

300-33: Off-street parking spaces shall be provided in all districts in accordance with the minimum requirements set forth below:

Add:

- C. For a Multi-Family Dwelling, the number of off-street parking spaces shall be reduced to 1.5 per unit for residential dwelling units with two or more bedrooms in a residential zone; in the case of a fractional total for the Multi-Family Dwelling the total shall be rounded up
- D. In Community Residential Facilities, as determined by the Village board reviewing the Special Use Permit application.

Delete:

- I. ~~One space for every two sleeping rooms in dormitories.~~

Re-letter: current C-L

300-41: Amend -

Requirements; exceptions.

A. All Uses that involve Construction, Demolition, or exterior Alteration of Buildings, Structures, or parking areas require Site Development Plan approval by the Village Planning Board prior to the issuance of a Village Zoning Permit.

B. Exceptions:

~~(1) A use which involves no new enclosed and permanent structure.~~

(1) Construction, Demolition, or exterior Alteration in conjunction with a Single-Family Dwelling or Construction, Demolition, or exterior Alteration in conjunction with an Accessory Structure to a Single-Family Dwelling.

(2) Construction, Demolition, or exterior Alteration in conjunction with a nonresidential Principal or Accessory Structure for a Use permitted by right and involving ~~new/additional~~ less than 4,000 Gross Square Feet, where no zoning Variances are required.

(3) Construction, Demolition, exterior Alteration, or a change in Use in conjunction with a nonresidential Principal or Accessory Structure that requires a Special Use Permit and involves ~~new/additional~~ less than 1,200 Gross Square Feet, where no zoning Variances are required.

(4) These exceptions shall not apply if any of the following conditions exist:

(a) The Use is located within the Waterfront Development Overlay District;

(b) The Use is within 100 feet of a Wetland; or

(c) The Use causes disturbance of a Steep Slope.

300-43: Amend -

Procedure.

A. Where required, Site Development Plan approval shall be secured from the Village Planning Board before the grant of a Village Zoning Permit or Certificate of Zoning Compliance.

B. An application for Site Development Plan review shall be made on forms prescribed by the Village Planning Board accompanied by the information specified in § 300-43C and a fee in accordance with the Standard Schedule of Fees of the Village of Cooperstown. Such application shall be submitted to the Village Planning Board at least two weeks prior to the Village Planning Board meeting at which review is sought unless the two-week requirement is waived by the Village Planning Board.

(1) The Village Planning Board shall determine if the application is in proper form and, if so, shall cause it to be referred to such Village departments, agencies and consultants as are necessary to evaluate the proposal.

(2) The Village Planning Board will notify the Village Board of Trustees of the need for consultants, who may include planners, engineers, attorneys or other experts and/or professionals, retained to review the Applicant's plans, maps, studies, agreements, environmental assessment forms, environmental impact statements, and all other proceedings required for Site Development Plan review. Consultants will only be used for analysis and advice on areas that are not within the expertise of the Village.

(3) The Village Board of Trustees will specify the required amount, if any, of consultant fees that the Applicant must deposit with the Village for the application to proceed. The Village will deposit the consultant fees into an escrow account established for the project for the sole purpose of paying the costs and fees of the consultant(s) that the Village retains to review the application. Choice of consultant will be at the discretion of the Village Board of Trustees.

DEFINITIONS:

Delete:

amusement arcade

amusement device

dormitory

principal

Add:

DOMICILE: One's permanent and primary residence, which is declared in legal documents to pay taxes, receive social security benefits, vote, bank, and register vehicles and animals. An individual can only have one domicile, while they can have more than one residence.

GAME ROOM. Any place of business that operates three or more mechanical or electronic games or pay devices or tables for which charge is made either directly or indirectly. Examples, by way of illustration and not limitation, are billiard halls, amusement centers, and video arcades. Adult supervision is required in game rooms frequented by children under 14 years of age.

MEAN HIGH WATER LEVEL (MHWL) - the average springtime high water level. The mhwL can be determined by observing along the shoreline vegetative characteristics such as the presence, absence or destruction of terrestrial or aquatic vegetation, and physical characteristics such as a clear natural line impressed on a bank, scouring, shelving, or the presence of sediments or debris.

RECREATIONAL FACILITY: A place, either indoor or outdoor, equipped for the conduct of sports and leisure time activities that are operated as a business and/or open to the general public for a fee. Examples, by way of illustration and not limitation, are batting cages and bowling alleys.

COMMUNITY RESIDENTIAL FACILITY: A Building or Buildings with an onsite resident manager for long-term occupancy by six or more unrelated people in which cooking facilities may be shared or absent.

PRINCIPAL STRUCTURE: The physically predominant Building on a Parcel.

SHOOTING GALLERY: An area designed and used for the discharging of firearms and similar weapons including paintball, airsoft, and BB guns for the purposes of target practice or competition.

VIEWSHED: an area of land, water, and other Landscape elements that is visible from a fixed vantage point.

Amend:

ACCESSORY STRUCTURE: A physically subordinate Building on a Parcel.

GROSS SQUARE FEET: The sum of all areas with a ceiling height of 7 feet or higher on all floors of a building included within the outside faces of its exterior walls.

MIXED OCCUPANCY: Use of a Structure or Property for one or more business or commercial Uses or a combination of Residential and business and/or commercial Uses.

PRINCIPAL USE: The primary or predominant Use of any Parcel, whether it occurs in a Principal or an Accessory Structure or outside of a Structure. "Mixed occupancy" as defined in this Code may be considered a Principal Use.