

Section 1. Purpose

The Village of Cooperstown's Comprehensive Plan, adopted in 2016, includes as an objective: "Update zoning and planning regulations to ensure that a diversity of housing types is permitted within the Village." The following points have informed the zoning updates that are part of this local law:

- (1) Data compiled by Bassett Healthcare and the experience of realtors indicates a demand for additional housing within the Village of Cooperstown.
- (2) Additional housing should come in a variety of forms to meet the needs of people at all life stages and economic statuses, which would result in increased density in the core of the Village and new development on the periphery.
- (3) Planning, design, and construction of additional housing should preserve and enhance natural resources, especially waterways (lake, river, brook, and wetlands).
- (4) View shed protection and enhancement, including views from the lake and along Village entrances, are important considerations in any new development.
- (5) Zoning regulations should recognize existing conditions and seek to minimize nonconformities.
- (6) Development proposals that increase development density should be subject to greater regulatory scrutiny, especially outside the core of the Village.
- (7) Change in permitted uses should be subject to review by the ZEO, who will determine if approval by HPARB, the Planning Board, or the Zoning Board of Appeals is required to comply with the zoning law.

Section 2. Chapter 300 (Zoning) of the Code of the Village of Cooperstown is amended by deleting: § 300-13 and § 300-57.

Section 3. § 300-10 of Chapter 300 (Zoning) is revised as follows:

§ 300-10 R-1 Residential Conservation District.

A. Permitted Uses*:

- (1) Single-Family Dwellings.
- (2) Agriculture.
- (3) Accessory Uses, excluding Home Occupations and Short-term Rentals.
- (4) Undeveloped Land.

B. Uses permitted on issuance of a Special Use Permit by the Village Board of Trustees or, when indicated below, by the Zoning Board of Appeals:

- (1) Two-Family Dwellings.
- (2) Multiple-Family Dwellings.
- (3) Accessory Dwelling Units (Special Use Permits to be considered by the Zoning Board of Appeals).
- (3) Dormitories.
- (4) Condominiums.
- (5) Places of Worship.
- (6) Healthcare Facilities.
- (7) Public Parks and Playgrounds.
- (8) Other municipal facilities.
- (9) Accessory Uses to the foregoing.
- (10) Above-ground Utility or Communication Facilities.
- (11) Accessory Home Occupation (Special Use Permits considered by the Zoning Board of Appeals).
- (12) Short-term Rentals (Special Use Permits considered by the Zoning Board of Appeals).

C. Yard, Height, and Open Space requirements.

- (1) Minimum Lot Width: 100 feet.
- (2) Minimum Lot area: 1 acre (43,560 square feet).
- (3) Minimum Yard dimensions:
 - (a) Front: the average front Yard depth of all Principal Buildings on the same side of the street within 300 feet of the Lot and within the same zoning district or 50 feet, whichever is less.

- (b) Side: 20 percent of the Lot Width or 35 feet, whichever is less, except in cases of a common sidewalk.
- (c) Rear: 20 percent of the average depth of the Lot or 35 feet, whichever is less.
- (4) Maximum Height: 30 feet.
- (5) Lot Coverage: no more than 10 percent of the total Lot area.

*Any change in a permitted Use requires notification of the Zoning Enforcement Officer and may require review by one or more boards to meet requirements in other chapters of the zoning law.

Section 4. § 300-11 of Chapter 300 (Zoning) is revised as follows:

§ 300-11 R-2 Residential Riparian Protection District.

A. Permitted Uses*:

- (1) Single-Family Dwellings.
- (2) Accessory Uses, excluding Home Occupations and Short-term Rentals.

B. Uses permitted on issuance of a Special Use Permit by the Village Board of Trustees or, when indicated in Section § 300-10, by the Zoning Board of Appeals:

- (1) All special permit Uses in R-1.
- (2) Hotels.
- (3) Schools.
- (4) Museums.
- (5) Accessory Uses to the foregoing.

C. Yard, Height, and Open Space requirements.

- (1) Minimum Lot Width: 50 feet.
- (2) Minimum Lot area: 10,000 square feet.
- (3) Minimum Yard dimensions
 - (a) Front: the average front Yard depth of all Principal Buildings on the same side of the street within 200 feet of the Lot and within the same zoning district or 35 feet, whichever is less.
 - (b) Side: 20 percent of Lot Width or 20 feet, whichever is less, for Principal Structures, except in cases of a common sidewalk; 10 percent of Lot Width or 10 feet, whichever is less, for Accessory Structures.
 - (c) Rear: 20 percent of the average depth of the Lot or 20 feet, whichever is less.
- (4) Maximum Height: 30 feet.
- (5) Lot Coverage: no more than 40 percent of the total Lot area.

*Any change in a permitted Use requires notification of the Zoning Enforcement Officer and may require review by one or more boards to meet requirements in other chapters of the zoning law.

Section 5. § 300-12 of Chapter 300 (Zoning) is revised as follows:

§ 300-12 R-3 Residential Core District.

A. Permitted Uses*:

- (1) Single-Family Dwellings.
- (2) Two-Family Dwellings.
- (3) Multiple-Family Dwellings in existence prior to 2019 or new Multiple-Family Dwellings of up to 3 Units.
- (4) Accessory Uses, excluding Home Occupations and Short-term Rentals.

B. Uses permitted on issuance of a Special Use Permit by the Village Board of Trustees or, when indicated in Section § 300-10, by the Zoning Board of Appeals:

- (1) All special permit Uses in R-1 and R-2.
- (2) Multiple-Family Dwellings of 4 units or more established after 2019.
- (3) Gymnasiums.
- (4) Accessory Uses to the foregoing.

C. Yard and Height requirements.

- (1) Minimum Lot Width: 50 feet.

- (2) Minimum Lot area: 5,000 square feet.
- (3) Minimum Yard dimensions
 - (a) Front: the average front Yard depth of all Principal Buildings on the same side of the street within 200 feet of the Lot and within the same zoning district or 20 feet, whichever is less.
 - (b) Side: 20 percent of Lot Width or 10 feet, whichever is less, for Principal Structures, except in cases of a common sidewalk; 10 percent of Lot Width of 5 feet, whichever is less, for Accessory Structures.
 - (c) Rear: 10 percent of the average depth of the Lot or 10 feet, whichever is less, for Principal Structures; 5 percent of the average depth of the Lot or 5 feet, whichever is less, for Accessory Structures.
- (4) Maximum Height: 30 feet.
- (5) Lot Coverage: no more than 60 percent of the total Lot area.

*Any change in a permitted Use requires notification of the Zoning Enforcement Officer and may require review by one or more boards to meet requirements in other chapters of the zoning law.

Section 6. § 300-14 of Chapter 300 (Zoning) is revised as follows:

§ 300-14 B Business District.

A. Permitted Uses*:

- (1) Retail Stores and Shops.
- (2) Personal service shops.
- (3) Banks.
- (4) Offices.
- (5) Restaurants.
- (6) Theaters, Auditoriums, Gymnasiums.
- (7) Mixed Occupancy.
- (8) Accessory Uses to the foregoing.

B. Uses permitted on issuance of a Special Use Permit by the Village Board of Trustees or, when indicated below, by the Zoning Board of Appeals:

- (1) Single-Family Dwellings.
- (2) Two-Family Dwellings.
- (3) Multiple-Family Dwelling.
- (4) Museums.
- (5) Above-ground utility or communication facilities.
- (6) Short-term Rentals (Special Use Permits considered by the Zoning Board of Appeals.)
- (7) Hotels.
- (8) Places of Worship.
- (9) Healthcare facilities.
- (10) Accessory Uses to the foregoing.

C. Yard and Height requirements.

- (1) Minimum Yard dimensions.
 - (a) Front: the average front Yard depth of all Principal Buildings on the same side of the street within 200 feet of the Lot and within the same zoning district or 10 feet, whichever is less.
 - (b) Side: 0 feet provided emergency access to the rear of the Building is available, otherwise 10 feet.
 - (c) Rear: 0 feet provided emergency access to the rear of the Building is available, otherwise 10 feet.
- (2) Maximum Height: 42 feet

*Any change in a permitted Use requires notification of the Zoning Enforcement Officer and may require review by one or more boards to meet requirements in other chapters of the zoning law.

Section 7. § 300-15 of Chapter 300 (Zoning) is revised as follows:

§ 300-15 C Commercial District.

A. Permitted Uses:

- (1) Multiple-Family Dwellings.
- (2) Dormitories.
- (3) Public Parks and Playgrounds.
- (4) Municipal Uses.
- (5) Retail Stores and Shops less than 3,000 square feet in footprint.
- (6) Restaurants.
- (7) Personal service shops.
- (8) Banks.
- (9) Offices.
- (10) Artist Studios.
- (11) Light Manufacturing less than 3,000 square feet in footprint.
- (12) Gymnasiums less than 3,000 square feet in footprint.
- (13) Mixed Occupancy.
- (14) Accessory Uses to the foregoing.

B. Uses permitted on issuance of a Special Use Permit by the Village Board of Trustees or, when indicated below, by the Zoning Board of Appeals or Planning Board:

- (1) Single-Family Dwellings.
- (2) Two-Family Dwellings.
- (3) Healthcare facilities.
- (4) Museums.
- (5) Gymnasiums 3,000 square feet in footprint or greater.
- (6) Places of Worship.
- (7) Schools.
- (8) Theaters and Auditoriums.
- (9) Light Manufacturing 3,000 square feet in footprint or greater.
- (10) Above-ground utility or communication facilities.
- (11) Short-term rentals (Special Use Permits considered by Board of Appeals).
- (12) Hotels.
- (13) Retail Stores and Shops 3,000 square feet in footprint or greater.
- (14) Filling stations.
- (15) Warehouses and self-storage units.
- (16) Commercial Paid Parking (Special Use Permits considered by Planning Board)
- (17) Auto service stations.
- (18) Research laboratories.
- (19) Accessory Uses to the foregoing.

C. Yard and Height requirements.

- (1) Minimum Lot area: 3,000 square feet.
- (2) Minimum Yard dimensions.
 - (a) Front: the average front Yard depth of all Principal Buildings on the same side of the street within 200 feet of the Lot and within the same zoning district or 10 feet, whichever is less
 - (b) Side: 10 feet for Principal Structures, except in cases of a common sidewall; 5 feet for Accessory Structures
 - (c) Rear: in cases where the rear Lot line adjoins a Residential district, 10 feet for Principal Structures and 5 feet for Accessory Structures, otherwise 0 feet
- (3) Maximum Height: 30 feet, except Buildings north of Glen Avenue, where the maximum Height is 42 feet.

Section 8. § 300-16 (C) of Chapter 300 (Zoning) is revised as follows:

C. When considering an application for a Special Use Permit, the Village Board of Trustees, Zoning Board of Appeals, and Planning Board must apply the following criteria, as applicable to their respective jurisdictions, and document their conclusions, based on the criteria, for their decision on the application.

- (1) Need. The proposed Use, with the exception of Home Occupations, Accessory Dwelling Units, and Short-term Rentals, must meet a demonstrated community need, as identified in an adopted municipal plan or land use policy.
- (2) Adjacent land Uses. The proposed Use must not be detrimental to its site or to Adjacent Parcels. The proposed Use must 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 area in which it is proposed to be situated.
- (3) Location and size of Use. The nature, volume, and times of operation of the Use involved, the size and layout of the site in relation to the Use, and the location of the site with respect to existing and future streets providing access must be in Harmony with the orderly development of the area in which it is proposed to be situated.
- (4) Location, nature, and size of Buildings and Structures. The location, Height, footprint, and volume of Buildings and the location, nature, and Height of Walls, Fences, and Landscape Features must be such that they will not hinder or discourage the development and Use of Adjacent Parcels and Buildings.
- (5) Density of development. The Density of the surrounding area, such as Lot size, distances between Structures, amount of open space, street width, and parking regulations, must maintain the Character of the zoning district in which it is proposed to be situated.
- (6) Vehicular access and circulation. Provisions for vehicular traffic access and circulation, including intersections, road widths, alignment, grade, pavement surfaces, storm water infrastructure, visibility and traffic controls must promote safety considering the proposed Use. Accessways must be Adequate for safety but not excessive.
- (7) Pedestrian circulation. Provisions for pedestrian traffic access and circulation, walkway Structures, control of intersections with vehicular traffic and overall pedestrian convenience must promote safety and accessibility.
- (8) Parking. Location, Arrangement, appearance, and sufficiency of Off-Street Parking Spaces and Loading Berths must be Adequate for the proposed Use and in Harmony with Adjacent Parcels. The general landscaping of the site must be compatible with plant species generally found in the area and serve to mitigate the visual impact of the parking area.
- (9) Layout. The location, Arrangement, size, design, and general site compatibility of Buildings, lighting and signage must be in general Harmony with the Character and appearance of the surrounding Neighborhood.
- (10) Drainage facilities/erosion control. Storm water management plans and drainage facilities must be in conformance with applicable regulations and must protect natural resources and Adjacent Parcels.
- (11) Landscape. The nature and extent of landscaping on the site must meet or exceed all legal requirements for Screening and must not hinder or discourage the development and Use of Adjacent Parcels and Buildings. Existing trees and shrubbery must be retained to the extent possible.
- (12) Water and sewer. Adequacy of water supply and sewage disposal facilities and their compliance with New York State and Otsego County Departments of Health requirements are required.
- (13) Emergency access. Adequate provision for fire, police, and other types of emergency vehicles must be made.

(14) Lighting. New Buildings and Structures must be designed, constructed, and maintained and new and existing vegetation must be managed so as not to unreasonably impede solar radiation on other Properties in order to preserve the economic value of solar radiation on Buildings, Structures, and Parcels; investments in solar energy systems; and options for future uses of solar energy. Artificial outdoor lighting must be kept to the minimum intensity needed for the proposed use, fully shielded to minimize glare and prevent light trespass and skyglow, and confined within the boundaries of the Property.

(15) Noise, Odor, and Other Irritants. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration that would hinder or discourage the development or Use of Adjacent Parcels and Buildings.

(16) Fiscal Considerations. The proposed Use will not require such additional public facilities or devices as to create a net fiscal burden upon the Village greater than those which characterize Uses permitted by right.

Section 9. § 300-16 of Chapter 300 (Zoning) is revised with the following additions:

D. A Special Use Permit issued by the Village Board of Trustees or Zoning Board of Appeals or Planning Board may be conditioned as follows:

(1) Inspection. As a condition of all special permit Uses, the Village Zoning Enforcement Officer (see § 300-54) 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. Short-term rentals will be subject to inspections upon application and annually with registration with Reasonable notice. Both Codes Officials have the right to conduct unannounced inspections when investigating a signed complaint.

(2) Duration of Permit. As a condition of all Special Use Permits, a time limitation may be imposed.

(3) Surety. In order to ensure the completion of work under a Special Use Permit, performance and permit security may be required for Special Use Permits considered by the Board of Trustees. Forms of acceptable performance security include: (1) a cash deposit in U.S funds; (2) a performance/payment bond; or (3) a letter of credit issued by any bank authorized to do business in New York State.

(4) Other Restrictions. The approving board may, as a condition of approval of any such Use, establish any other additional standards, conditions, and requirements, including but not limited to a limitation on hours of operation, as it may deem necessary or appropriate to promote the public health, safety, and welfare and to otherwise implement the intent of this chapter.

E. In order to ensure compliance with this chapter, the expansion or intensification of a Use requiring a Special Use Permit will adhere to the following:

(1) A Use subject to an existing Special Use Permit may not be expanded or intensified unless the board with jurisdiction over the Special Use Permit approves an application to amend the Special Use Permit to authorize the expanded or intensified Use.

(2) A Nonconforming Use permitted by § 300-49 of this chapter that is Nonconforming due to lack of a valid Special Use Permit may not be expanded or intensified unless the board with jurisdiction over Special Use Permits for that Use approves an application for a Special Use Permit for the existing Nonconforming Use and the expansion or intensification thereof. The denial of an application for an expansion or intensification of the Nonconforming Use shall not affect the status of the existing Nonconforming Use under § 300-49 of this chapter.

(3) A board with jurisdiction may hold a Public Hearing on an application for expansion or intensification.

Section 10. § 300-17 (B) – Home Occupations of Chapter 300 (Zoning) is revised as follows:

B. Home Occupations are subject to the following conditions in addition to those required in § 300-16:

- (1) The occupation or profession will be carried on wholly within the Principal Building or within a Building or other Structure accessory thereto.
- (2) Not more than one Person who does not live onsite may be employed in the Home Occupation.
- (3) If the business Owner is not the Owner of the Property, the Property Owner must provide written acquiescence to the proposed activity as part of the application.
- (4) There will be no exterior display, no exterior Sign (except as permitted under Chapter 227, Signs, of the Code of the Village of Cooperstown), and no exterior storage of materials.
- (5) Activity generated by the Home Occupation must not result in traffic, pedestrian or vehicular, that creates a hazard or disturbs the Residential Character of the immediate Neighborhood;
- (6) No offensive, noxious or injurious noise, vibration, smoke, dust, odors, heat or glare may be produced;
- (7) Commercial stables and kennels, Restaurants, funeral homes and mortuaries, and Short-term Rentals are not considered Home Occupations.
- (8) Activities may be carried out in the home in a Residential district without obtaining a Special Use Permit as a Home Occupation under this chapter, so long as the activity brings no clients or customers to the Residence, and no Sign of any sort relating to the activity is displayed on or at the Residence. Such activities must, nevertheless, observe all limitations imposed on Home Occupations.

Section 11. § 300-17 (E) – Accessory Apartment Units of Chapter 300 (Zoning) is revised as follows:

E. Accessory Dwelling Units

One Accessory Dwelling Unit (ADU) per Single-Family Dwelling may be permitted in an R-1, R-2 or R-3 District, subject to Special Use Permit approval of the Zoning Board of Appeals, and subject to the following supplementary requirements:

- (1) An ADU may be part of a Building that contains the Single-Family Dwelling or in a free-standing Accessory Structure on the same Parcel with the Single-Family Dwelling;
- (2) The ADU must be subordinate to the Single-Family Dwelling in square footage and in the case of an ADU in an Accessory Structure both square footage and Height;
- (3) The Owner of the Parcel must reside in either the Single-Family Dwelling or the ADU and either the Single-Family Dwelling or the ADU must be the Owner's Primary Residence;
- (4) Parcels with ADUs must conform to the Lot Coverage requirements of the zoning district in which they are located unless a variance has been granted by the Zoning Board of Appeals.
- (5) All required Off-Street Parking Spaces must be on-site.
- (6) If either the Single-Family Dwelling or the ADU ceases to be the Owner's Primary Residence, the Special Use Permit for the ADU will be revoked.

Section 12. § 300-17 (F) – Satellite Antennas of Chapter 300 (Zoning) is revised as follows:

F. An Above-Ground Utility or Communication Facility will require a Special Use Permit and may require Screening.

- (1) Exception: A Dwelling or business may have one Building-mounted antenna less than 4 feet in Height or one dish 40 inches or less in diameter or diagonal measurement without a Special Use Permit, provided such is for private Use and does not exceed maximum Height requirements in the district where it is located.
- (2) Exempt dishes and antennas under (1) above must be installed in such a manner as to minimize visual impact and may not be located on the front of Buildings or between the Façade and street. No review per §300-26 is required.

Section 13. § 300-17.1 (B) 1 of Chapter 300 (Zoning) is revised as follows:

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

- (1) Location:

- (a) Residential Zoning Districts: Short-term Rentals will only be permitted in a Single-Family Dwelling or in an Accessory Dwelling Unit located within a Single-Family Dwelling or in a previously approved Accessory Apartment with a valid Special Use Permit.
- (b) Business and Commercial Zoning Districts: Short-term Rentals shall be permitted in any building type in business and commercial zoning districts.

Section 14. § 300-28 (C) of Chapter 300 (Zoning) is revised as follows:

- C. An unroofed Terrace, Patio, or Deck that is not more than 4 feet above ground level, including railings, is permitted in a required Yard.

Section 15. § 300-28 of Chapter 300 (Zoning) is revised with the addition of the following:

- H. An open fire escape may project not more than six feet into a required rear Yard.

Section 16. § 300-50 (A) of Chapter 300 (Zoning) is revised as follows:

A. Uses of land. Where at the effective date of adoption or amendment of this chapter lawful Use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such Use will be considered a Nonconforming Use, but may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such Nonconforming Use may be expanded or intensified to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter;
- (2) No such Nonconforming Use may be moved in whole or in part to any other portion of the Lot or Parcel occupied by such Use at the effective date of adoption or amendment of this chapter;
- (3) If any such Nonconforming Use of land ceases for any reason for a period of more than twelve months, any subsequent Use of such land must conform to the regulations specified by this chapter for the district in which such land is located.

Section 17. § 300-50 (B) of Chapter 300 (Zoning) is revised as follows:

B. Uses of Structures or Structures and land. Where at the effective date of adoption or amendment of this chapter lawful Use of a Structure or Structure and Land in combination exists that is made no longer permissible under the terms of this chapter as enacted or amended, such Use will be considered a Nonconforming Use, but may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing Structure devoted to a Use not permitted by this chapter in the district in which it is located may be enlarged, extended, moved or Structurally Altered except in changing the Use of the Structure to a Use permitted in the district in which it is located or to meet health and safety codes for the existing Nonconforming Use;
- (2) A Nonconforming Use may exist only in or on that portion of a Building, Structure, or land that was manifestly arranged or designed for such Use at the time of adoption or amendment of this chapter and may not be expanded or intensified except as allowed under § 300-16E(2);
- (3) Any Structure or Structure and land in combination in or on which a Nonconforming Use is superseded by a permitted Use must thereafter conform to the regulations for the district in which such Structure is located, and the Nonconforming Use may not thereafter be resumed;
- (4) When a Nonconforming Use of a Structure, or Structure and land in combination, is discontinued or abandoned for a period of a year (12 months) or more, the Structure or Structure and land in combination must not thereafter be used except in conformance with the regulations of the district in which it is located;
- (5) Where Nonconforming Use status applies to a Structure or to a Structure and land in combination, Removal of the Structure will eliminate the nonconforming status of the land;
- (6) Where Nonconforming Use status applies to a Structure or to a Structure and land in combination, and the Structure is damaged or destroyed by any means, it may not be repaired or restored or its Use continued as a nonconformity unless such repair or Restoration commences within one year from the

time of such damage or destruction. Failure to so repair or restore or so resume such Use will eliminate the nonconforming status of the land.

Section 18. § 300-51 (A) of Chapter 300 (Zoning) is revised as follows:

A. Lots of record.

(1) A Lot of Record will be considered nonconforming if it does not meet the requirements for Lot Width or Lot area set forth in § 300-10 to § 300-15 of this chapter.

(2) In any district in which Single-Family Dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a Single-Family Dwelling and Accessory Uses or Structures may be Erected on any single Lot of Record at the effective date of adoption or amendment of this chapter.

(3) Variance of Yard dimensions and other requirements may be obtained only through action of the Zoning Board of Appeals.

Section 19. § 300-51 (B) of Chapter 300 (Zoning) is revised as follows:

B. Structures. Where a lawful Structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on Lot Coverage, Height, Yards, or other characteristics of the Structure or its location on the Lot, such Structure will be considered a Nonconforming Structure and may continue to exist subject to the following provisions.

(1) No such Structure may be enlarged or altered in a way which increases its noncompliance unless a variance has been granted by the Zoning Board of Appeals.

(2) Should such Structure be damaged or destroyed by any means, it may not be repaired or restored or its Nonconforming Uses continued unless such repair or Restoration commences through physical work or permitting processes within one year from the time of such damage or destruction unless varied by the Zoning Board of Appeals.

(3) Should such Structure be moved for any reason for any distance whatever, it must thereafter conform to the regulations for the district in which it is located after it is moved.

Section 20. § 300-54 of Chapter 300 (Zoning) is revised as follows:

§ 300-54 Village Zoning Enforcement Officer (ZEO)

A Village Zoning Enforcement Officer (ZEO), with the assistance of such other Persons as the Village Board of Trustees may direct, will administer and enforce this chapter. If the ZEO finds that any of the provisions of this chapter are being violated, the ZEO must notify in writing the Person responsible for such violations and the Village Board of Trustees, indicating the nature of the violation and ordering the action necessary to correct it. The ZEO is hereby empowered to inspect properties; order discontinuance of illegal Use of land, Buildings or Structures; remove illegal Buildings or Structures or of additions, Alterations or structural changes thereto; discontinue any illegal work being done; or to take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

Section 21. § 300-55 of Chapter 300 (Zoning) is revised as follows:

§ 300-55 Village Zoning Permit.

A. A Village Zoning Permit is required for all new Structures and for any exterior changes to an existing Structure.

(1) No Building or other Structure may be Erected, moved, added to, demolished, or subject to an exterior change without a Village Zoning Permit therefor issued by the ZEO. No permit may be issued except in conformity with the provisions of this chapter, except after written order from the Zoning Board of Appeals.

(2) No Village Zoning Permit may be issued where the proposed Structure is located in a flood hazard location except in conformity with § 300-31B of this chapter.

(3) Where a Site Development Plan is required by this chapter, no Village Zoning Permit may be issued for any Buildings or Structures on the site until the Site Development Plan has been approved by the Planning Board.

B. A Village Zoning Permit is required for any new or altered Use.

(1) It is unlawful to Use or occupy or permit the Use or occupancy of any Building or premises, or both or part thereof, hereafter created, Erected, changed, converted, or wholly or partly altered or enlarged in its Use or Structure until a Village Zoning Permit has been issued therefor by the ZEO, stating that the proposed Use of the Building or land conforms to the requirements of this chapter.

Section 22. § 300-56 of Chapter 300 (Zoning) is revised as follows:

§ 300-56 Application for a Village Zoning Permit.

A. All applications for Village Zoning Permit must be accompanied by plans in duplicate, drawn to Scale, showing the actual dimensions and shape of the Lot to be built upon; the exact sizes and locations on the Buildings already existing, if any; and the location and dimensions of the proposed Building or Alteration. The application must include such other information as lawfully may be required by the ZEO, including but not limited to existing or proposed Buildings or Alterations; existing or proposed Uses of the Buildings and land; the number of families, housekeeping units or rental units the Building is designed to accommodate; conditions existing on the Lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this chapter. One copy of the plans must be returned to the Applicant by the ZEO after the ZEO has marked such copy either as approved or disapproved and attested to same by the ZEO's signature on such copy. The second copy of the plans, similarly marked, must be retained by the ZEO.

B. An application for a Village Zoning Permit must be accompanied by a fee in accordance with the Standard Schedule of Fees of the Village of Cooperstown.

Section 23. § 300-58 of Chapter 300 (Zoning) is revised as follows:

§ 300-58 Expiration of Village Zoning Permit.

If the work described in any Village Zoning Permit, Special Use Permits, or Area or Use Variances has not been Substantially Completed within two years of the date of issuance thereof, said permit will expire. The permit may be renewed for an additional two years with a new application per the requirements in this chapter.

Section 24. § 300-59 of Chapter 300 (Zoning) is revised as follows:

Village Zoning Permits issued on the basis of approved plans and specifications authorize only the Use, Arrangement, and Construction set forth in such plans and specifications and no other Use, Arrangement or Construction. Use, Arrangement, or Construction not in compliance with that authorized will be considered a violation of this chapter.

Section 25. § 300-60 of Chapter 300 (Zoning) is revised as follows:

The New York State Building Construction Code was adopted by the Village Board of Trustees, and its successor, the New York State Uniform Fire Prevention and Building Code, is hereby adopted and recognized as the official Building Construction Code of the Village for the purposes set forth therein and as it may be amended from time to time.

Section 26. § 300-61 of Chapter 300 (Zoning) is revised as follows:

§ 300-61 Revocation of Village Zoning Permits.

The ZEO may revoke Village Zoning Permit, Special Use Permit, or Area or Use Variance in any one of the following circumstances:

- A. There has been a false statement or misrepresentation as to a material fact in the applications, plans, specifications or other accompanying documents upon which the Village Zoning Permit was based.
- B. The Village Zoning Permit was issued in error or should not have been issued in accordance with the applicable laws.
- C. The holder or the Applicant has failed to meet the requirements of an approved Site Development Plan or Subdivision Plat or the requirements of any Special Use Permit.
- D. The work being performed is not in accordance with the provisions of the application, the Village Zoning Permit, or the plans or specifications.
- E. The holder of the Village Zoning Permit has failed or refused to comply with a stop-work order issued by the ZEO under § 300-62 herein.

Section 27. § 300-62 of Chapter 300 (Zoning) is revised as follows:

Whenever the ZEO determines that work on any Building or Structure is being or has been conducted in violation of any of the provisions of Village laws, rules or regulations; or has failed to meet or violates any requirement of an approved Site Development Plan or Subdivision Plat, including but not limited to the required drainage, grade or elevation plans, sewer and septic plans, approved road profile plans, and such other plans or specifications upon which a Zoning Permit was issued; or that any work is being conducted in a dangerous or unsafe manner, then the ZEO will notify the Owner of the Property or the Owner's Agent or the Person performing the work to suspend and halt work. Such direction by the ZEO (a "stop-work order") will be in writing and delivered to the Owner or the Owner's Agent or the Person performing the work, or affixed to any part of said Structure. Such stop-work order will state the reasons therefor and the conditions under which the work may be resumed. Should work continue in violation of the stop-work order, the ZEO may, without further notice, revoke the Village Zoning Permit.

Section 28. § 300-63 of Chapter 300 (Zoning) is revised as follows:

§ 300-63 Complaints; penalties for violations

A. Complaints. Whenever a violation of this chapter occurs, or is alleged to have occurred, any Person may file a signed, written complaint. Such complaint, stating fully the causes and basis thereof, will be filed in duplicate with the ZEO, who will deliver one copy to the Village Board of Trustees. The ZEO will record such complaint, investigate, and take action thereon, as provided by this chapter.

B. Penalties.

(1) Any Person who violates any provision of this chapter, including but not limited to Building or altering any Structure or using any land in violation of any statement or plan submitted and approved thereunder, or knowingly assists therein, will be liable for the following penalties:

(a) First violation: Up to \$350 and/or 6 months imprisonment

(b) Second violation: Up to \$700 and/or 6 month imprisonment

(c) Third (and subsequent) violation(s): Up to of \$1000 and/or 6 months imprisonment

(2) 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 will be deemed misdemeanors. In addition to the foregoing provisions, the Village of Cooperstown will have such other remedies for any violation or threatened violation of this chapter as are now or may hereafter be provided by law.

Section 29. § 300-64 of Chapter 300 (Zoning) is revised as follows:

§ 300-64 Appeals from actions of the Village Zoning Enforcement Officer

Whenever the ZEO approves or disapproves, acts or fails to act, or otherwise performs any duties, or renders a decision thereon, such decision will be reviewable by appeal to the Zoning Board of Appeals. In the case of a violation, such appeal must be made not more than 30 days after the filing of the decision of the ZEO in the office of the ZEO.

Section 30. § 300-70 of Chapter 300 (Zoning) is revised as follows:

A. An Applicant for a Special Use Permit must file with the ZEO an application for review by the Village Board of Trustees. In addition to a description of the Use to be considered, the application must include all required materials for:

- (1) Preliminary Site Development Plan review, if such is required under § 300-41;
- (2) A Certificate of Appropriateness, if such is required under § 300-26;
- (3) Any requested variances from the requirements of this Chapter.
- (4) Review under the State Environmental Quality Review Act.

B. The Village Board of Trustees will make an initial review and forward the application to other involved zoning boards (Planning Board, HPARB, and the Zoning Board of Appeals, as required) for those boards' recommendations on the proposed Use.

C. The involved zoning boards will transmit their recommendations to the Village Board of Trustees within 30 days of the initial review by the Village Board of Trustees. Each recommendation should address:

- (1) The process for additional required reviews;
- (2) A determination of whether the application is complete for those reviews;
- (3) The need for a consultant or consultants to evaluate the proposed Use;
- (4) The board's evaluation of the proposed Use in consideration of the criteria for Special Use Permits in this chapter.

D. 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. Such consultants 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 by the Village Board of Trustees, the Planning Board, HPARB, or the Zoning Board of Appeals. Choice of consultant will be at the Village's sole discretion. Consultants will only be used for analysis and advice on areas that are not within the expertise of the Village.

E. Within 62 days of the receipt of recommendations from the Planning Board, HPARB, and Zoning Board of Appeals, if any, the Village Board of Trustees, must provide public notice of and conduct a Public Hearing. If no recommendations are received the Public Hearing must be held within 92 days of the Board of Trustees' initial review.

F. Within 62 days of the Public Hearing, the Village Board of Trustees must render its decision, unless the Applicant waives the time requirements of this section.

G. The Village Board of Trustees, in approving any Special Use Permit thereunder, will require conformance with any supplementary requirements applying to such Uses generally and may establish such other conditions or limitations upon the Use or characteristics of the Use which are reasonably related to the public health, safety, and general welfare and as may be necessary to carry out the intent of this chapter.

H. The decision of the Village Board of Trustees must be filed in the office of the Village Clerk and a copy thereof mailed to the Applicant. The Planning Board, HPARB, and Zoning Board of Appeals will proceed with any additional required reviews only after the Special Use Permit is issued.

I. Unless specifically authorized in the decision of the Village Board of Trustees, no requirement or condition of such Special Use Permit will be subject to appeal before the Zoning Board of Appeals.

J. The Board of Trustees may not reduce requirements or conditions imposed by this chapter in conjunction with any Special Use Permit; the Village Board of Trustees may authorize an application to the Zoning Board of Appeals for variances.

K. Special Use Permits will be deemed to be indefinite authorizations unless otherwise specified in the approval thereof, but in any case will expire within 24 months of the date of approval if the approved Use has not commenced. Such period may be extended on separate application to the Village Board of Trustees.

L. Special Use Permits may be conditioned on periodic renewal. Such renewal must be pursuant to application, public notice, and Public Hearing. The Board of Trustees may deny such renewal or add additional conditions for renewal upon determination that:

- (1) The original conditions as prescribed for such Special Use Permit have not been or are not being complied with, wholly or in part;
- (2) Conditions identified in the original approval requiring that the Use be of temporary duration now necessitate cessation of such Use;
- (3) The imposition of additional or supplemental safeguards or conditions is necessary to continue the Use according to the criteria for Special Use Permits in this chapter.

Section 31. § 300-71 of Chapter 300 (Zoning) is revised as follows:

Any Person aggrieved by any decision of the Village Board of Trustees hereunder may, within 30 days of the filing of the decision in the office of the Village Clerk, seek judicial review pursuant to Article 78 of the Civil Practice Law and Rules.

Section 32. § 300-84 (Definitions) of the Code of the Village of Cooperstown is amended by deleting the following entries:

- Accessory Apartment Unit
- Accessory Use or Structure
- Apartment
- Habitable Space
- Hospital
- Multiple Residence Property
- Satellite Antenna
- Special Permit
- Zoning Permit

Section 33. § 300-84 of Chapter 300 (Zoning) is amended by revising the following definitions:

AGRICULTURE

The raising of fruits, vegetables, timber resources, and other plants and the Structures Incidental thereto.

CONDOMINIUM

A Building or Buildings on a Parcel with ownership in common of the Parcel and certain parts of the Building(s) thereon, which would normally be used by all the occupants (including but not limited to the Basement, hallways, stairways, and elevators), and individual ownership in fee of a particular area in such Building(s).

COOPERATIVE

A Building or Buildings on a Parcel with ownership by a corporation, the shareholders of which have the right through a proprietary lease to occupy an area within such Building(s).

DORMITORY

A Building or Buildings on a Parcel with group living quarters for six or more unrelated people in which cooking facilities may be shared or absent.

DWELLING

A Building or Buildings providing complete independent living for Long-Term Occupancy, including permanent provisions for sleeping, eating, cooking and sanitation.

DWELLING, MULTIPLE-FAMILY

A Building or Buildings providing for three or more Dwellings for three or more Families on one Parcel.

DWELLING, SINGLE-FAMILY

A Building or Buildings providing for one Dwelling for one Family on one Parcel.

DWELLING, TWO-FAMILY

A Building or Buildings providing for two Dwellings for two Families on one Parcel

FAMILY

(1) A Person or Persons related by genetics or marriage or by a recognized legal bond, including but not limited to adoption, foster-child/foster-parent relationship, or domestic partnership and up to four additional unrelated Persons, who occupy a Dwelling; or (2) Up to five unrelated Persons who occupy a Dwelling.

HOME OCCUPATION

An occupation or profession which is customarily carried on in a Dwelling or in a Building or other Structure accessory to a Dwelling by a member of the Family residing in the Dwelling and is clearly Incidental and secondary to the Use of the Dwelling 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 and real estate agents.

LOT

See Parcel

OFFICE

A place where a particular kind of business is transacted or a service is supplied, where such use does not involve the keeping of stock or merchandise or the purchase or sale of goods on the premises. A medical or dental office, however, is included in the definition of a Healthcare Facility.

PARCEL

A land area that is considered as a unit and legally recorded as a single piece in the Otsego County tax records.

RESIDENCE

See Dwelling

YARD

A required open space unoccupied and unobstructed by any Structure or portion of a Structure from:

- A. Forty-eight inches above the general ground level of the graded Lot upward in a front Yard; or
- B. Forty-eight inches above the general ground level of the graded Lot upward in side or rear Yard(s), which limitation may be increased for Fences to no more than 96 inches upon filing with the ZEO of the written acquiescence of each Owner of Property adjoining the subject side or rear Yard(s).
- C. On a corner Lot in any Residential district, nothing may be Erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a Height of three feet and eight feet above the center-line grades of the intersecting streets in the area bounded by the Street Lines of such corner Lots and a line adjoining points along said Street Lines 25 feet from their point of intersection. (See § 300-28, Supplementary Yard requirements.)

Section 34. § 300-84 of Chapter 300 (Zoning) is amended by adding the following definitions:

ABOVE-GROUND UTILITY OR COMMUNICATION FACILITY

A structure built or installed above ground for the purpose of providing utility services or communications services.

ACCESSORY DWELLING UNIT (ADU)

A secondary Dwelling that is subordinate and Incidental to an Owner-Occupied Single-Family Dwelling. An ADU may be part of a Building that contains the Single-Family Dwelling or in a free-standing Accessory Structure on the same Parcel as the Single-Family Dwelling. A Single-Family Dwelling with an ADU is not considered a Two-Family Dwelling.

ACCESSORY STRUCTURE

A physically subordinate Building used for a purpose Incidental to the Use of the main Structure on a Parcel.

ACCESSORY USE

A Use found on the same Parcel as the Principal Use, which is subordinate to, Incidental to, and customarily found in connection with the Principal Use. An Accessory Use need not be located within an Accessory Structure. In a Residential zoning district on Property where a Residential Use is Principal, business or commercial Use may not be considered accessory.

COUNTY CODES OFFICIAL

An employee of the Otsego County Code Enforcement Office that is responsible for administration and enforcement of the New York State Uniform Fire Prevention and Building Construction Code (Uniform Code) and the New York State Energy Conservation Code (Energy Code).

HEALTHCARE FACILITY

A facility licensed in the State of New York and used for the prevention, diagnosis, treatment, or care of human ailments, including a clinic, adult home, wellness center, nursing home, or medical center. A Healthcare Facility may include Accessory Uses, such as but not limited to Offices; support facilities, such as medical laboratories, diagnostic testing centers, physical therapy and pharmaceutical facilities; storage facilities for medical equipment, supplies and records; hospital operations and maintenance facilities, such as food service and laundry facilities, housekeeping and maintenance storage areas; extended care facilities; overnight accommodations and cafeteria facilities for on-duty employees and medical residents; medical libraries, research and educational facilities; cogeneration, incineration, water, electrical and heating equipment facilities; and Off-Street Parking Spaces and Structures.

LOT COVERAGE

The portion of a Parcel that is occupied by any Building plus any required parking located outside a Building, computed at 162 square feet per required Off-Street Parking Space, plus an access way(s) to said required parking.

PLACE OF WORSHIP

A Building used for the regular assembly of Persons for the primary purpose of religious worship, which is operated, maintained, and controlled by a religious body incorporated in the State of New York, together with related Accessory Structures and Uses by such religious body.

PRIMARY RESIDENCE

Dwelling where one spends the majority of one's time, which for an individual can be demonstrated by evidences of residency including but not limited to voter registration, vehicle registration, driver's license, residency claimed on state tax return, qualification for residential School Tax Relief, and receipt of mail.

PRINCIPAL USE

The primary or predominant Use of any Parcel. Mixed Occupancy as defined in this code may be considered a Principal Use.

RESIDENTIAL

Used primarily for housing for Long-Term Occupancy.

SCHOOL

An educational institution recognized as such by the New York State Board of Regents.

SPECIAL USE PERMIT

A Zoning Permit that allows a use following individual consideration through an established review procedure. Such a use may require certain conditions before being permitted.

SUBSTANTIALLY COMPLETED

The point in the project where the Building or Structure is fit to be used for its intended purpose.

UNDEVELOPED LAND

Real estate that is not improved with a Building.

VILLAGE ZONING ENFORCEMENT OFFICER

An individual appointed by the Village Board of Trustees and given the responsibility to oversee and enforce all provisions of this chapter. Also referred to as the Village Codes Official in this chapter.

VILLAGE ZONING PERMIT

A permit granted by the Village Planning Board, the Village Zoning Board of Appeals, the Village Historic Preservation and Architectural Review Board and/or the Village Board of Trustees and issued by the Village Zoning Enforcement Officer in compliance with this chapter. Village Zoning Permits may also be referred to as "Building Permits" in this chapter, but are not to be confused with Building Permits which are issued by the Otsego County Codes Office in compliance with the New York State Residential and Building Codes.

ZEO

See Village Zoning Enforcement Officer

Section 35. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.