

PROPOSED

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY

Local Law Filing

12231

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

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

County

City of Cooperstown

Town

Village

Local Law No. 8 of the year 2017

A local law \_\_\_\_\_ to impose a moratorium on the acceptance of applications for special use permits for tourist accommodations by the Village of Cooperstown and on the granting of new special use permits for tourist accommodations by the Village of Cooperstown Zoning Board of Appeals. \_\_\_\_\_

(Insert Title)

Be it enacted by the Board of Trustees of the

(Name of Legislative Body)

County

City of Cooperstown as follows:

Town

Village

Section 1. PUROPSE

The Village Board of Trustees adopted a new Comprehensive Plan on November 28, 2016. New York Village Law § 7-722 (11)(a) requires that all village land use regulations must be in accord with the Comprehensive Plan. The Village Planning Board has commenced a review of the Village Zoning Law (Village Code Chapter 300). Because of that review it appears that significant revisions will be made to the provisions of Zoning Law § 300-17 (A) regarding tourist accommodation special use permits. The Trustees wish to preserve, to the extent possible, the status of tourist accommodation special use permits pending the review and adoption of Zoning Law amendments that conform the law to the Comprehensive Plan.

Section 2. AUTHORITY

This moratorium is enacted by the Board of Trustees of the Village of Cooperstown pursuant to its authority to adopt local laws under the New York State Constitution Article IX and Municipal Home Rule Law § 10.

Section 3. ENACTMENT OF TEMPORARY MORATORIUM

A. For a period of nine months following the enactment of this Local Law:

- (i) The Village of Cooperstown Codes Official (Zoning Enforcement Officer) and the Village of Cooperstown Clerk are prohibited from accepting any application for a new tourist accommodation special use permit.
- (ii) The Village of Cooperstown Zoning Board of Appeals is prohibited from granting any application for a new tourist accommodation special use permit, except that it may grant a new tourist accommodation special use permit for an application that has been submitted at, or before, its April 4, 2017 regular meeting.

B. This provision does not prohibit the yearly annual registration of any existing tourist accommodation special use permit.

#### Section 4. EARLY TERMINATION OF THIS LOCAL LAW

If any new Local Law addressing the substantive issues set forth herein should be enacted and adopted by the Board of Trustees prior to the date that the moratorium imposed by this Local Law expires, the moratorium imposed by this Local Law shall expire on the date such new Local Law takes effect in accordance with § 27 of the Municipal Home Rule Law.

#### Section 5. CONFLICTS WITH STATE STATUTES AND AUTHORITY TO SUPERSEDE

If any provisions of this Local Law conflict with or are construed as inconsistent with the provisions of New York State Law, this Local Law shall control.

#### Section 6. WAIVERS

Any person desiring a waiver of the temporary moratorium imposed by this Local Law shall present a waiver request to the Board of Trustees. The Board of Trustees shall have the discretion to grant such waiver. In granting a waiver, the Board of Trustees must find that the waiver will not adversely affect the purpose of this Local Law or the health, safety or welfare of the residents of the Village.

#### Section 7. SEVERABILITY

If any part of this Local Law is deemed by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Local Law.

#### Section 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.