Chapter 300

ZONING

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[HISTORY: Adopted by the Board of Trustees of the Village of Cooperstown 11-22-2010 by L.L. No. 12-2010. Amendments noted where applicable.]

GENERAL REFERENCES

Building Code administration — See Ch. 50.
Unsafe buildings — See Ch. 55.
Fences — See Ch. 92.
Flood damage prevention — See Ch. 107.
Junkyards — See Ch. 136.
Noise — See Ch. 172.
Signs — See Ch. 227.
Subdivision of land — See Ch. 245.
Watershed protection — See Ch. 285.

ARTICLE I
General Provisions

§ 300-1. Short title.

This chapter shall be known and may be cited as the "Zoning Law of the Village of Cooperstown, New York."

§ 300-2. Policies for land use.

This chapter implements the policies for land use in the Village, which include:

A. Preserve natural features and open space, vegetation, scenic attractions, and historic places and sites in order to maintain the community appearance and cultural heritage of the Village for residents and visitors alike;

B. Provide protection of water bodies, lake and river shores, and control of future access to such shores by the public;

C. Maintain the essentially residential quality of the Village;

D. Provide public and quasi-public facilities that will serve the Village citizenry in the most beneficial manner;

E. Provide suitable locations for commercial and other economic development that will protect the atmosphere and cultural heritage of the Village, serve the area adequately, and preserve the general welfare of the community;

F. Preserve a safe, healthful, and attractive environment for residential use, that provides housing opportunities for all Village residents;

G. Provide public utilities and services to the community to ensure a safe and healthful environment;

H. Develop an efficient circulation and parking system that permits a reasonably rapid, safe, and convenient movement of people and goods within the Village and to and from surrounding areas.

§ 300-3. Planning Board.

A. Creation, appointment and organization. The Planning Board shall consist of five members. Their successors shall be appointed in accordance with the provisions of Village Law. The Village Board shall designate the Chairman from among the Board's membership.

B. Alternate members. The Village Board may appoint not more than two alternate members of the Planning Board. Each such alternate member shall attend meetings of the Planning Board and participate in its deliberations but shall vote only in the event that a member of the Planning Board is absent, otherwise unable to act with respect to a particular matter or is unable to participate because of a conflict of interest (Village Law § 7-718, Subdivision 16). When acting pursuant to the Planning Board authority provided hereby, such alternate member shall have all of the rights and privileges of a member of the Planning Board. The term of appointment of said alternates shall be as authorized by the Village Board under a duly adopted resolution. This section is adopted pursuant to the authority granted by § 10, Subdivision 1(ii)e(3), of the Municipal Home Rule Law and shall supersede any provision of the Village Law which is inconsistent herewith, as well as Village Law § 7-718, Subdivision 16.

C. Special permits. In addition to such powers as are conferred on it by statute, the Planning Board shall have the power, on application and after public notice and hearing, to issue a special permit permitting the use of property as a commercial paid parking lot. In issuing such special permit, 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 this Code, 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 express intent of this chapter. **[Added 2-28-2011 by L.L. No. 4-2011]**

ARTICLE II
Establishment of Districts; Official Zoning Map

§ 300-4. Official Zoning Map; changes to map.

A. The Village is hereby divided into zones or districts, as shown on the Official Zoning Map titled "Zoning Map for the Village of Cooperstown" which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.[1] The Official Zoning Map shall be identified by the signature of the Mayor of the Village attested by the Village Clerk, and bearing the Seal of the Village under the following words: "This is to certify that this is the Official Zoning Map referred to in § 300-4A of the Zoning Law of the Village of Cooperstown, New York," together with the date of the adoption of this chapter.

B. If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the Village Board of Trustees, together with an entry on the Official Zoning Map as follows: "On (date), by official action of the Village Board of Trustees, the following change (changes) were made in the Official Zoning Map: (brief description of the nature of change)," which entry shall be signed by the Mayor of the Village and attested by the Village Clerk.

C. The amending law shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map. No amendment to this chapter that involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry have been made on said map.

D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided in this chapter.

E. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Village Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Village.

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1. **Editor's Note: A copy of the Zoning Map is included at the end of this chapter.**

§ 300-5. Replacement of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Village Board of Trustees may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Law or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor of the Village attested by the Village Clerk, and bearing the Seal of the Village under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Law of the Village of Cooperstown, New York."

§ 300-6. Classes of districts.

For the purposes of this chapter, the Village is divided into the following classes of districts:

District	Description
R-1A	Residential
R-1	Residential
R-2	Residential
R-3	Residential
B	Business
C	Commercial
CD	Coordinated Development
WDO	Waterfront Development Overlay
FHO	Flood Hazard Overlay
HACO	Historic and Architectural Control Overlay

§ 300-7. Interpretation of district boundaries.

A. Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams, or watercourses shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines. Exception to this shall include:

(1) To be included in the adjacent Commercial District, only that part of the lot situated on the northeast corner of Chestnut and Beaver Streets, known as Tax Map No. 131.05-2-11.00, from Chestnut Street southeast along the northeast lot line for 96 feet, then south to Beaver Street.

(2) To be included in the adjacent Residential (R-3) District, only that part of the lot situated at 82 Chestnut Street, known as Tax Map No. 131.05-1-58.02, East 338,690, North 982,850.

C. Boundaries indicated as approximately following Village limits shall be construed as following Village limits.

D. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of a creek or river shall be construed to follow such center line.

E. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through D above shall be so construed. Distances not specifically indicated in the Official Zoning Map shall be determined by the scale of the map.

F. In other circumstances not covered by Subsections A through E above the Board of Appeals shall interpret the district boundaries.

ARTICLE III
District Regulations

§ 300-8. Applicability of district regulations.

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

A. No building, structure, or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, unless in conformity with all of the regulations for the district in which it is located, except as herein specified.

B. No building or other structure shall hereafter be erected or altered to exceed the height or to accommodate or house a greater number of families or to occupy a greater percentage of lot area or to have narrower or smaller rear yards, side yards, front yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this chapter.

C. No part of a yard or off-street parking space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard or off-street parking space for any other building.

D. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

E. Any use not permitted by this chapter shall be deemed to be prohibited. The list of prohibited uses contained in § 300-27 of this chapter shall not be deemed to be an exhaustive list but has been included to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible and are thus prohibited.

F. Uses identified as special permit uses shall be deemed prohibited uses unless a valid special permit shall be issued by the Village Board of Trustees or Board of Appeals therefor. Preexisting uses identified as special permit uses in this chapter, for which there exists, on the effective date of this chapter or amendment thereof, a valid certificate of zoning compliance, shall not be deemed nonconforming unless such uses are noncomplying as to the bulk or supplemental regulations of this chapter.

§ 300-9. Applicable regulations.

Within the R-1A, R-1, R-2, R-3, B, and C Districts §§ 300-10 through 300-15 (Schedule of Regulations) shall apply. For the regulations applying to Coordinated Development (CD) Districts, see Article IV. For the regulations applying to the Waterfront Development Overlay (WDO) Districts, Flood Hazard Overlay (FHO) Districts, and Historic and Architectural Control Overlay (HACO) Districts, see Article V.

§ 300-10. R-1A Residential District.

A. Permitted uses:

(1) Single-family dwellings.

(2) Agriculture.

(3) Accessory uses and structures excluding business activity, home occupations, and accessory apartment units.

B. Uses permitted on issuance of a special permit by the Village Board of Trustees or Board of Appeals:

(1) Hospitals.

(2) Churches and similar places of worship.

(3) Public parks and playgrounds.

(4) Other municipal facilities.

(5) Accessory uses for the foregoing.

(6) Satellite antennas.

(7) Accessory home occupation in a single-family dwelling. (Special permits considered by the Board of Appeals.)

(8) Accessory apartment unit in a single-family dwelling. (Special permits considered by the Board of Appeals.)

C. Yard and height requirements.

(1) Minimum lot width: 200 feet.

(2) Minimum lot area: 120,000 square feet.

(3) Minimum yard dimensions:

(a) Front: 50 feet.

(b) Side: 35 feet.

(c) Rear: 50 feet.

(4) Maximum height: 2.5 stories; 30 feet.

§ 300-11. R-1 Residential District.

A. Permitted uses:

(1) Single-family dwellings.

(2) Agriculture.

(3) Accessory uses and structures excluding business activity, home occupations, and accessory apartment units.

B. Uses permitted on issuance of a special permit by the Village Board of Trustees or Board of Appeals:

(1) All special permit uses in R-1A.

(2) Hotels.

(3) Public or private schools.

(4) Accessory uses for the foregoing.

(5) Tourist accommodation (owner-occupied and owner-operated). (Special permits considered by the Board of Appeals.)

C. Yard and height requirements.

(1) Minimum lot width: 160 feet.

(2) Minimum lot area: 20,000 square feet.

(3) Minimum yard dimensions:

(a) Front: 35 feet.

(b) Side: 20 feet.

(c) Rear: 35 feet.

(4) Maximum height: 2.5 stories; 30 feet.

§ 300-12. R-2 Residential District.

A. Permitted uses:

(1) Single-family dwellings.

(2) Accessory uses and structures excluding business activity, home occupations, and accessory apartment units.

B. Uses permitted on issuance of a special permit by the Village Board of Trustees or Board of Appeals:

(1) All special permit uses in R-1A and R-1.

(2) Museums.

(3) Gymnasiums.

(4) Accessory uses for the foregoing.

C. Yard and height requirements.

(1) Minimum lot width: 50 feet.

(2) Minimum lot area: 5,000 square feet; or 7,000 square feet for an accessory apartment unit in a single-family dwelling.

(3) Minimum yard dimensions:

(a) Front: 20 feet.

(b) Side: 10 feet.

(c) Rear: 20 feet.

(4) Maximum height: 2.5 stories; 30 feet.

§ 300-13. R-3 Residential District.

A. Permitted uses:

(1) Single-family dwellings.

(2) Two-family dwellings.

(3) Multiple-family dwellings.

(4) Accessory uses and structures excluding business activity, home occupations, and accessory apartment units.

B. Uses permitted on issuance of a special permit by the Village Board of Trustees or Board of Appeals:

(1) All special permit uses in R-1A, R-1 and R-2.

C. Yard and height requirements.

(1) Minimum lot width: 50 feet.

(2) Minimum lot area: 5,000 square feet; or 3,000 square feet per family for multiple-family dwellings; or 7,000 square feet for two-family dwellings.

(3) Minimum yard dimensions:

(a) Front: 20 feet.

(b) Side: 10 feet.

(c) Rear: 20 feet.

(4) Maximum height: 2.5 stories; 30 feet.

§ 300-14. B Business District.

A. Permitted uses:

(1) Retail stores and shops.

(2) Personal service shops.

(3) Banks, offices, restaurants, theaters, auditoriums, gymnasiums.

(4) Accessory uses for the foregoing.

B. Uses permitted on issuance of a special permit by the Village Board of Trustees or Board of Appeals:

(1) Public utility structures.

(2) Mixed occupancy.

(3) Museums.

(4) Satellite antennas.

(5) Tourist accommodations (owner-occupied and owner-operated). (Special permits considered by the Board of Appeals.)

(6) Hotels.

(7) Motels.

(8) Commercial paid parking lots. (Special permits considered by the Village of Cooperstown Planning Board; approved upon a showing of compliance with all adopted rules and regulations governing the creation and/or operation of commercial paid parking lots.) **[Amended 2-28-2011 by L.L. No. 4-2011]**

C. Yard and height requirements.

(1) Minimum yard dimensions:

(a) Front: as established; if not established, 20 feet from curbline.

(b) Side: zero or 10 feet.

(2) Maximum height: 3.5 stories; 42 feet.

§ 300-15. C Commercial District.

A. Permitted uses:

(1) Single-family dwelling.

(2) Two-family dwelling.

(3) Public parks/playgrounds.

(4) Municipal use.

(5) Accessory uses for the foregoing.

B. Special permit uses:

(1) Mixed occupancy.

(2) Retail stores and shops less than 10,000 square feet per establishment.

(3) Hospitals.

(4) Churches/similar places of worship.

(5) Gymnasiums.

(6) Restaurants.

(7) Accessory home occupation in a single-family dwelling. (Special permits considered by the Board of Appeals.)

(8) Accessory apartment unit in a single-family dwelling. (Special permits considered by the Board of Appeals.)

(9) Satellite antennas.

(10) Multiple-family dwellings.

(11) Tourist accommodation. (Special permits considered by the Board of Appeals.)

(12) Public/private schools.

(13) Museums.

(14) Hotels/motels.

(15) Theaters/auditoriums.

(16) Retail stores and shops.

(17) Personal service shops.

(18) Banks and offices.

(19) Artist studio.

(20) Accessory uses for the foregoing.

C. Special permit uses contingent on the location of said use. The following land uses are allowed in the Commercial District by special permit provided the use is not adjacent to a parcel of land located in a residential district, and provided the said land use is not directly across a public street from a parcel located in a residential district:

(1) Filling stations.

(2) Warehouse/wholesale establishments.

(3) Light manufacturing.

(4) Commercial paid parking (by special permit issued by the Village of Cooperstown Planning Board). **[Amended 2-28-2011 by L.L. No. 4-2011]**

(5) Auto service stations.

(6) Public utility structures.

(7) Research laboratories.

D. Yard and height requirements.

(1) Minimum lot width: 50 feet.

(2) Minimum lot area: 5,000 square feet; 7,000 square feet for two-family unit; 3,000 square feet per family for multifamily dwelling.

(3) Front yard setback: as established, or minimum of 20 feet from designated street line.

(4) Side yard setback: as established, or minimum of 20 feet total with no less than five feet on either side.

(5) Rear yard setback: as established, or minimum of 10 feet.

(6) Maximum height: 2.5 stories; 30 feet.

§ 300-16. Procedure for special permits. [Amended 2-28-2011 by L.L. No. 4-2011]

It is the intention of this chapter to allow certain uses in specified districts as indicated in §§ 300-10 through 300-15 (Schedule of Regulations) only when standards established herein

are met and when in the judgment of the Village Board of Trustees or Board of Appeals or Planning Board these uses will not be detrimental to the safety, general health, welfare, or to the particular character of the neighborhood or to the values of surrounding properties.

A. Application for a special permit shall be submitted in writing to the Codes Official for transmittal to the Board of Trustees or Board of Appeals or Planning Board, indicating the section of this chapter under which the special permit is sought, and stating the grounds on which it is requested, in accordance with the procedures in Articles I, XI and XII hereof.

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

C. When considering an application for a special permit use, the Village Board of Trustees or Board of Appeals or Planning Board shall be guided by the following general standards and conditions:

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

(2) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout, and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous;

(3) The location and height of buildings, the location, nature, and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and buildings;

(4) The proposed use will not require such additional public facilities or devices or create such fiscal burdens upon the Village greater than those which characterize uses permitted by right;

(5) As a condition of all special permit uses, the Village Codes Official (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. With respect to tourist accommodations uses, inspections shall be performed upon

application and annually with reasonable notice. Both Codes Officials have the right to conduct unannounced inspections when investigating a signed complaint.

(6) As a condition of all special permit use permits, a time limitation may be imposed; and

(7) In addition to the general standards for special permit uses as set forth above, the approving board may, as a condition of approval of any such use, establish any other additional standards, conditions, and requirements, including 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.

§ 300-17. Special permit supplementary regulations.

A. Tourist accommodations. The purpose of this section is to preserve the availability of residential housing units and maintain the essentially residential character of the Village of Cooperstown while at the same time provide for reasonable numbers of transient guest accommodations to support tourism. Tourist accommodations will be permitted only in districts as specified in §§ 300-10 through 300-15 (Schedule of Regulations) and subject to the following supplementary requirements:

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

(2) Tourist accommodations are limited to the renting of no more than four sleeping rooms with a total household occupancy of no more than 10 people. This number includes the residents of the home.

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

(4) The operation of tourist accommodations shall be clearly secondary and incidental to the use of the structure as the primary residence of the owner.

(5) Rooms utilized for guest sleeping rooms in tourist accommodations shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.

(6) Properties used as tourist accommodations shall not be floodlit. Drives, walks and parking areas may have shielded lighting fixtures to safely illuminate such areas. External lighting shall be provided as needed for safety of guests. All but necessary security lighting shall be extinguished after 11:00 p.m. All aspects of the exterior lighting plan shall be approved by the Planning Board.

(7) Tourist accommodations shall strictly conform to Chapter 172, Noise, of the Code of the Village of Cooperstown.

(8) Sleeping rooms for two guests must be at least 120 square feet in area, exclusive of closets and baths. Occupancy by more than four guests in a sleeping room is not permitted.

(9) Tourist accommodations shall not host events for a fee on the property except for open house tours no more than twice a year, regardless of whether a fee is charged to attend the open house.

(10) Tourist accommodations shall be maintained at all times in full compliance with the applicable provisions of the Residential Code of New York State and agreement between the Village and the Otsego County Codes Office.

(11) The use of the structure as a tourist accommodation will not be detrimental to the health, safety or welfare of present or future inhabitants of the property as well as neighboring properties.

(12) A parking and traffic circulation plan shall be approved by the Planning Board. In addition to the applicable standards in Article VII of this chapter, the following regulations also apply: Driveways, except shared driveways, which are already in existence, may be used for egress, so long as they are at least 10 feet in width. Shared driveways shall not be used in the parking and circulation plan. No cars shall be parked forward of the front facade of the principal structure. Parking spaces shall be paved with gravel or crushed stone as a minimum. All required and designated parking shall be maintained open and available for parking at all times the tourist accommodation is in operation.

(13) Exception. Owners may rent their house to visitors during Hall of Fame Induction Weekend. The total household occupancy must be nine individuals or fewer. The total rental period for the weekend must be less than 60 hours.

B. Home occupations must conform to the following conditions:

(1) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto;

(2) Not more than one person outside the family shall be employed in the home occupation;

(3) There shall 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.

(4) The traffic generated by such home occupation shall not increase the volume of the traffic, pedestrian or vehicular, so as to create a traffic hazard or disturb the residential character of the immediate neighborhood;

(5) No offensive, noxious, or injurious noise, vibration, smoke, dust, odors, heat, or glare shall be produced; and

(6) No retail sales of goods except those produced on the premises and those which are clearly incidental to the providing of service involved in the home occupation,

and no other exterior indication of the home occupation or variation from the residential character of the principal building, are permitted. Part-time activities may be carried out in the home in a residential district, without obtaining a special permit as a home occupation under this chapter, so long as the activity is carried out exclusively by a permanent inhabitant of the residence, 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.

C. Garage and filling stations shall be permitted in Commercial Districts provided that:

(1) No repair work is performed out of doors;

(2) Pumps, lubricating, or other devices are located at least 20 feet from any street line or highway right-of-way;

(3) All fuel, oil or similar substances are stored within the safety standards as established by the Village Engineer and all of such substances stored above ground are at least 35 feet distant from any street or lot line;

(4) All automobile parts, dismantled vehicles, and similar articles are stored within a building; and

(5) Other conditions and safeguards as deemed necessary by the Board of Trustees shall be carried out.

D. Off-street parking space shall be provided according to the standards for minimum space requirements established in Article VII of this chapter. In addition, whenever more than four spaces are required by said standards, a special permit shall not be granted until plans for the off-street parking area have been approved by the Planning Board.

E. Public utility structures and service uses shall be permitted only when found to be necessary for the public health, convenience, and welfare of the people of Cooperstown.

F. Accessory apartment units. One accessory apartment unit per single-family dwelling may be permitted in an R-1, R-2, or R-3 District, subject to special permit approval of the Board of Appeals, and subject to the following supplementary requirements:

(1) An accessory apartment may be located in the principal dwelling, provided the principal dwelling contains a minimum of 1,500 square feet of habitable space and conforms with all other requirements of this chapter unless a variance shall have been granted by the Board of Appeals, or in a garage or accessory structure of the principal dwelling;

(2) The owner of the one-family dwelling in which the additional dwelling unit is to be located shall occupy at least one of the two dwelling units within the dwelling. When an accessory apartment is located in a garage or accessory structure, then the owner of the property must occupy at least one of the two dwelling units;

(3) There shall be no more than one accessory apartment unit per dwelling or lot;

(4) The minimum floor area for an accessory apartment unit shall be 300 square feet, and the maximum area of the accessory apartment unit shall be 25% of the habitable area of the principal dwelling, or 750 square feet, whichever is less, unless in the opinion of the Board of Appeals a greater or lesser amount of floor area is warranted by the specific circumstances of the particular dwelling;

(5) For accessory apartments in the R-2 and R-3 Districts, a minimum lot size of 7,000 square feet shall be required;

(6) For an existing structure, the entry to the original structure dwelling and its design shall be such that, to the degree reasonably feasible, the appearance of the dwelling will remain as a single-family dwelling;

(7) No dwelling unit shall be located in a cellar or on the ground floor of a garage attached to or incorporated in the main dwelling, or on the ground floor of a detached garage, which space is intended for vehicular parking;

(8) In addition to the parking requirements for a single-family dwelling, two off-street parking spaces shall be provided for each additional dwelling unit; and

(9) All dwelling units and the structures in which they are situated shall be equipped with smoke detectors as required by the New York State Fire Code.

G. Satellite antennas (dishes) shall not be located on the front of buildings, upon roofs or in required front yards. Large antennas (two feet or greater in diameter) shall require a special permit and shall be screened from public view by vegetation. Small antennas (dishes) may be located as determined by the Planning Board.

H. Commercial paid parking lots are permitted by special use in the Business (B) and Commercial (C) Districts when the following conditions, limitations and regulations are met:

(1) The parking plan for said commercial paid parking lot is approved by the Village of Cooperstown Planning Board and said approved plan provides a minimum of five paid parking spaces in addition to any parking spaces required for other uses on the property. Parking spaces of less than the defined minimum size, or with limited maneuvering space, may be allowed with the approval of the Village of Cooperstown Planning Board, and without the need for a variance from the Village of Cooperstown Zoning Board of Appeals. A scaled parking and circulation plan, and an attendant plan, if necessary, must accompany the application. **[Amended 2-28-2011 by L.L. No. 4-2011]**

(2) Commercial paid parking lots are not located adjacent to or across the street from an area zoned residential. This requirement may, however, be waived by the Village of Cooperstown Planning Board in the Business (B) District only, if an adequate buffer or screening is first approved by the Planning Board. **[Amended 2-28-2011 by L.L. No. 4-2011]**

(3) No parking occurs within any required yard. (See § 300-34, Areas computed as parking spaces; and § 300-84, Definitions, definition of "yard.")

(4) The conditions and safeguards as outlined in Article VIII, Site Development Plan Review, § 300-42, Objectives, are satisfied.

(5) All signage approved as per Chapter 227, Signs, of the Code of the Village of Cooperstown.

(6) No exterior alteration or demolition of all or any part of an existing structure is permitted to facilitate the creation of parking spaces, unless the applicant has first obtained a certificate of appropriateness for the alteration or demolition from the Cooperstown Historic Preservation and Architectural Review Board.

(7) No vehicle while in commercial paid parking shall be used for camping, dwelling, sleeping or retail or other business purposes, nor shall any vehicle in commercial paid parking be used to store personal property for more than 36 continuous hours if said personal property is visible from any public street or right-of-way. Recreational vehicles may not be parked in commercial paid parking areas between the hours of 2:00 a.m. and 6:00 a.m. **[Amended 2-28-2011 by L.L. No. 4-2011]**

(8) Exception to conditions, limitations and regulations relative to commercial paid parking. Within the Business and Commercial Districts, trailers, construction equipment or combination vehicles used at a job site, or relative to a special event in the Business and/or Commercial Districts, may, during the period they are being used, occupy space in commercial paid parking lots. **[Added 2-28-2011 by L.L. No. 4-2011]**

(9) Notwithstanding any other provision of this chapter, no boat, trailer or vehicle other than a motor vehicle as defined herein (see definition of "commercial paid parking") may remain in a commercial paid parking lot for more than seven days in any thirty-day period. **[Added 2-28-2011 by L.L. No. 4-2011]**

ARTICLE IV
Coordinated Development District

§ 300-18. Purposes.

A. In recognition of the fact that the bulk of this chapter is concerned with uses of land areas by individuals, families, or small corporations, and in realization that the larger needs of such diverse developments as multiple-family residential groupings, institutional complexes, governmental bodies, and others may not feasibly be accommodated within the framework of other sections of this chapter, the process for zoning of a Coordinated Development (CD) District is hereby established.

B. Development within the CD Districts may include residential uses, may provide for creation of new multifamily dwellings at appropriate densities, and may provide for major projects which integrate several forms of development. All uses are subject to the Coordinated Development District process described herein and shall be constructed in accordance with a site development plan approved by the Planning Board.

§ 300-19. Objectives.

The CD class of district is hereby established to foster these objectives:

A. To ensure that those provisions of this chapter which direct the uniform treatment of building type, bulk, density, and open space within each zoning district shall not be applied in a manner that would distort the objectives of this chapter; and

B. To allow innovations in land development and land renewal so that demands for business, commercial, residential, and other use may be met with greater flexibility and variety in type, design, and layout of buildings and by the conservation and more efficient use of open space, so that greater opportunities may be extended to Village residents; and

C. To encourage a more efficient use of land, of public services, or of private services in lieu thereof, and to embrace those changes in the technology of land development so that beneficial economies may result; and

D. To permit desirable development not otherwise distinguishable, such as diverse or mixed uses bearing extraordinary design qualities resulting in a logical and complementary conjunction of uses and functions not encountered in ordinary development; and

E. In aid of these purposes to provide a procedure which can relate the type, design, and layout of development to the particular demand at the time of development in a manner consistent with the preservation of property values within established districts; and

F. To permit the foregoing types of development only in accord with sound professional planning standards, and ensure that development is in accord with the Comprehensive Area Plan of the Village of Cooperstown.

§ 300-20. Design guidelines and district size.

In considering applications under the Coordinated Development process, the requirements of §§ 300-10 through 300-15 (Schedule of Regulations) with respect to minimum lot width, minimum yard dimensions, and maximum height shall serve as design guidelines. The maximum density allowable for all residential uses, including mobile homes, shall be that permitted for multiple-family dwellings in the R-3 District. The off-street parking requirements provided in this chapter shall also be applicable to CD uses. The minimum CD District size shall be two acres, unless the Planning Board determines that, on a specific smaller parcel, the objectives of the CD District can be obtained.

§ 300-21. Submission of proposed plan for applicability.

For the development of land uses within CD Districts, a proposed plan shall be submitted for a review to determine whether it adheres suitably to the objectives of the Village Comprehensive Area Development Plan and to this chapter.

§ 300-22. Procedures.

A. A proposal for establishing a CD District shall be initiated by submission of preliminary plans for same to the Codes Official for transmittal within 21 days to the Planning Board of the Village of Cooperstown for review at its next regularly scheduled meeting. The preliminary plans should contain statements and/or drawings outlining the proposed development, prepared to the satisfaction of the Planning Board.

B. After review of said preliminary plans the Planning Board will schedule a public hearing on the proposed development to be held no more than 21 days after review of said preliminary plans.

C. Within 21 days after the public hearing, the Planning Board will accept or reject the preliminary proposal for establishing a CD District, in light of the objectives stated in § 300-19 above, and of any Village Comprehensive Area Development Plan in effect at they time. In approving a preliminary proposal, the Planning Board may make recommendations relative to the site plan or other features of the proposal. If the application is approved, the applicant may proceed with development of a site plan in accordance with the applicable procedures outlined in Article VIII, Site Development Plan Review.

D. The formal application for a site development plan review must be received by the Planning Board within six months of the date of the Planning Board's approval of the preliminary proposal. If no such formal application is received within six months the applicant must reinitiate the procedure.

E. After consideration of the application under the site development plan review (Article VIII), the Planning Board shall submit the plans to a professional planner for his review and recommendations. (A "professional planner" is one who devotes at least 50% of normal working time to the active practice of planning or in teaching planning or a combination of the two.) The professional planner shall render a report to the Planning Board within 30 days of the referral. If no professional planner has been appointed by the Village Board of Trustees for this purpose, no CD District may be created.

F. After receipt of the professional planner's report, the Planning Board shall submit same, together with its recommendations relative to the proposed CD District, to the Village Board of Trustees. The Planning Board shall set forth with particularity in what respect the planned development would or would not be in the public interest including, but not limited to, findings of fact and conclusions on the following:

(1) In what respects the plan is or is not consistent with the statement of purposes of coordinated development;

(2) The extent to which the plan departs from regulations otherwise applicable to the subject property, including, but not limited to, density, bulk, and use, and the reasons why such departures are or are not deemed to be in the public interest;

(3) The purpose, location, and amount of any common open space in the coordinated development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and

purpose of the common open space as related to the proposed density and type of development;

(4) The physical design of the plan and the manner in which said design does or does not make adequate provision of public services, provide adequate control over vehicular traffic, and supply the amenities of light and air, recreation and visual enjoyment;

(5) The relationship, beneficial or adverse, of the proposed coordinated development to the neighborhood in which it is proposed to be established; and

(6) In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public in the integrity of the plan.

G. After receipt of the Planning Board's recommendations and the professional planner's report, the Board of Trustees may proceed with the creation of a CD District. The procedure for the creation of a CD District shall be the same as for an amendment to this chapter, including, but not limited to, the requirement for a public notice and public hearing. (The requirements for majority assent will be those specified in Village Law § 7-708.)

H. The CD area shall thereafter be developed in accordance with the final plan subject to the approval of working drawings and specifications by the Planning Board in order to ensure the development of the CD District in the manner intended. No building permit shall be granted for the construction of any building or structure other than as approved by the Planning Board.

I. For an existing CD District, any proposed land use other than that which was comprehended in the final plan for such district, or inconsistent with the terms and conditions relating thereto, shall be considered a new proposal for a CD District, and the procedure as covered by preceding Subsections A through H shall apply.

§ 300-23. Mobile homes.

All applications for mobile homes, mobile home parks or courts, and for mobile home subdivisions shall be considered to be Coordinated Development projects and subject to CD procedures. In addition, the following specific elements shall be reviewed:

A. Adequate water and sewer connections shall be provided for each mobile home parking space or lot from a public system. Adequacy shall be judged by the New York State Department of Health standards for public systems.

B. Circulation patterns for vehicles and pedestrians shall be designed to accommodate the special traffic demand including the parking of mobile homes and shall include paved off-street parking for two automobiles per mobile home site.

C. Service facilities including laundry, storage, and recreation space shall be provided on the site to tenants in mobile home parks or courts. If separate lots are employed, these facilities must be provided for each site or shall be provided by a neighborhood

association or other entity established by the developer in locations and with maintenance provisions satisfactory to the Planning Board.

D. Special landscaping and screening may be required to provide a satisfactory residential environment and prevent detrimental impact to adjacent property.

ARTICLE V
Special Overlay Districts

§ 300-24. Waterfront Development Overlay District.

Notwithstanding the provisions of Article III, District Regulations, as amended, all uses in districts affected by the Waterfront Development Overlay District shall be special permit uses subject to approval of the Village Board, with the exception of public parks or playgrounds and other municipal facilities. In granting approval for all other uses, the Village Board may prescribe yard dimensions in excess of those set forth in §§ 300-10 through 300-15 (Schedule of Regulations) for the basic districts in which the uses may be located, on a site-by-site basis. However, in any case, no building or structure may be constructed within 100 feet of the lake shoreline or 75 feet of the river shoreline. (See also § 300-31C.)

§ 300-25. Flood Hazard Overlay District.

The boundaries of the Flood Hazard Overlay District coincide with areas governed by Chapter 107, Flood Damage Prevention, of the Code of the Village of Cooperstown, namely those areas of special flood hazard identified by the Federal Insurance Administration on its Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) dated May 17, 1974, and by any revisions thereto.[2] Areas thus affected are subject to the requirements of § 300-31B of this chapter.

§ 300-26. Historic and Architectural Control Overlay District.

A. Establishment and purpose.

(1) An Historic and Architectural Control Overlay District is established encompassing the entire Village of Cooperstown. In making this designation and establishing such overlay district, it is recognized that the Village of Cooperstown includes a concentration of historic buildings, structures, and sites united historically and aesthetically by their physical development, and significant for their association with the lives of historic personages and events that have contributed to the broad patterns of history, as well as embodying the distinctive characteristics of multiple architectural types, styles, and methods of construction, and the work of both known and unknown designers. It is also recognized that the entire Village is part of the Glimmerglass Historic District, designated as an historic district on the National Register of Historic Places in 1999.

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2. Editor's Note: See Ch. 107, Flood Damage Prevention, § 107-6, which cites the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) dated 5-4-2000.

(2) It is hereby declared as a matter of public policy that the protection, enhancement, and perpetuation of historic and architectural resources are necessary to promote the economic, cultural, educational and general welfare of the public. Inasmuch as the identity of a people is founded on its past and since the Village of Cooperstown has many significant historic, architectural, and cultural resources which constitute its heritage and make up its unique community character, the purpose and intent of this section is to:

(a) Protect and enhance the Village's historic structures and character which represent distinctive elements of Cooperstown's historic, architectural, and cultural heritage, the Village's sense of place, and its unique character;

(b) Foster civic pride in the accomplishments of the past;

(c) Protect Cooperstown's community character by maintaining a diversity of residential and nonresidential buildings and sustaining Village neighborhoods to meet the needs of residents and property owners at various economic levels;

(d) Protect and enhance Cooperstown's attractiveness to visitors which is a significant factor in the economic viability of the Village;

(e) Insure the harmonious, orderly, and efficient growth and future development of the Village; and

(f) Further the policies set forth in § 300-2 of this chapter.

B. Regulated activity; requirement of certificate of appropriateness. No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction, or moving of any building, structure or property within the Historical and Architectural Control Overlay District, nor shall any person make any material change in the appearance of such property, its light fixtures, sidewalks, fences, steps or other exterior elements, without first obtaining a certificate of appropriateness from the Village of Cooperstown Historic Preservation and Architectural Review Board. This section is not applicable to interior elements, color (except as otherwise noted in this section) nor to signs which continue to be regulated by § 300-30 of this chapter and by Chapter 227, Signs, of the Code of the Village of Cooperstown. However, the Planning Board in granting any sign permit or approval for any building, structure, or property shall take into account the criteria set forth in Subsection E of this section.

C. Historic Preservation and Architectural Review Board.

(1) There is hereby created a board to be known as the "Cooperstown Historic Preservation and Architectural Review Board" (hereinafter also referred to as "Board" in this section).

(2) The Board shall consist of five members to be appointed by the Mayor with the approval of the Board of Trustees.

(a) All such members shall be residents of the Village.

(b) To the extent that such professionals are available, the Board shall include members to represent the disciplines of history, architecture, and architectural history. Members may also represent the fields of planning, folklore, cultural anthropology, archaeology, conservation, construction, landscape architecture, museums, and other historic preservation-related professions.

(c) The composition of Board members shall include a healthy mixture of individuals with qualifications and interests that compliment each other rather than representing only one field.

(d) All members shall have a known interest in historic preservation and architectural development within the Village of Cooperstown.

(3) Terms of Board members will be for three years, with the exception of the initial term of each member which shall be staggered with terms of one, two, and three years respectively so that only a maximum of two such members' terms shall expire in any one year.

(4) The Chairman and Vice Chairman of the Board shall be designated by the Mayor or, in the absence of such designation, shall be elected by and from among the members of the Board.

(5) The powers of the Board shall include:

(a) Employment of staff and professional consultants as necessary to carry out the duties of the Board subject to Board of Trustees approval;

(b) Promulgation of rules and forms as necessary to carry out the duties of the Board;

(c) Conducting of surveys of significant historic, architectural, and cultural properties within the Village;

(d) Designation or identification of neighborhoods or clusters of properties within the Village that have a distinct historical or architectural character;

(e) The making of recommendations to the Board of Trustees concerning the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of this section;

(f) Increasing public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs;

(g) Making recommendations to the Board of Trustees concerning the application for, or utilization of, state, federal, or private grants or funds to promote historic preservation within the Village;

(h) Recommending acquisition of a historic building, structure, or property by the Board of Trustees where its preservation is essential to the purposes of this section and where private preservation is not feasible;

(i) Approval or disapproval of applications for certificates of appropriateness pursuant to this section; and

(j) Making recommendations on use or area variance applications that come before the Village Zoning Board of Appeals where such variances involve historic preservation, architectural, or historic character issues.

(6) The Board shall meet at least monthly, but meetings may be held at any time on the written request of any two of the Board members or on the call of the Chairman.

(7) A quorum for the holding of meetings and transaction of Board business shall consist of three of the Board's members.

D. Procedures for certificate of appropriateness.

(1) Procedures when no other zoning approval is required.

(a) Application. Prior to the commencement of any activity or work requiring a certificate of appropriateness when such activity or work does not involve or is not connected with any other zoning approval under this chapter, the owner of the subject property shall file an application for such certificate (together with five copies) with the Village Zoning Enforcement Officer. Such application shall then be forwarded to the Board within 21 days of receipt. The application shall include the following:

[1] Completed application form including name, address and telephone number of owner (and applicant, if applicant is different from owner);

[2] Location and photographs of the property and/or structure;

[3] Elevation drawings of proposed changes, if applicable;

[4] Perspective drawings, including relationship to adjacent properties, if applicable or available;

[5] Samples of materials to be used, if applicable or available;

[6] Any other information that may be necessary in order to visualize the proposed work; and

[7] Application fee, if applicable.

(b) No physical work on, or alteration of, any building, structure or property shall commence until a certificate of appropriateness has first been issued by the Historic Preservation and Architectural Review Board. The certificate of appropriateness required by this section shall be in addition to and not in lieu of any zoning approval or permit from the Village of Cooperstown or

building permit from Otsego County that may be required by any other section of this chapter or other applicable local laws or regulations of the Village of Cooperstown, Otsego County or the State of New York.

(c) The Board shall approve, deny or approve the permit with modifications within 62 days from the date that it accepts the complete application. If an application involves demolition, the Board shall hold a public hearing on the application. On all other applications, no public hearing is required but the Board, in its discretion, may require a public hearing on any application where the Board deems a public hearing would be helpful in obtaining more information for rendering a decision, where a significant exterior alteration is proposed, where an application may present public controversy, or where other circumstances warrant it. Once a public hearing is determined to be required, it shall provide an opportunity for the applicant to present the proposal and for interested members of the public to be heard on the proposal. Said public hearing shall be held within said sixty-two-day time period and shall be subject to a public notice published in the Village's official newspaper at least 10 days before the hearing with notices mailed to adjacent property owners within five days before the hearing is held.

(d) All decisions of the Board with respect to any application should be in writing and provide the reasons in support of such decision. A copy shall be provided to the applicant and a copy retained for the Board's records, a copy filed with the Village Clerk's office and with the Zoning Enforcement Officer.

(e) Certificates of appropriateness shall be valid for 24 months, after which the owner must reapply if he still wishes to undertake work on the property.

(2) Procedures when other zoning approval is required. Where any activity or work requiring a certificate of appropriateness involves or is connected with any other zoning approval under this chapter, the issuance of the certificate of appropriateness shall be a condition of any other zoning approval or permit if it is not obtained prior to the completion of the other review process. In cases where the certificate of appropriateness is so integral to the review and decision of the other zoning approval or permit application, the reviewing Board of the other zoning approval or permit may require, in its sole discretion, that the certificate of appropriateness be obtained prior to the commencement of the review process for the other zoning approval or permit.

E. Criteria for approval of a certificate of appropriateness.

(1) In reviewing, and making a determination on, an application for a certificate of appropriateness, the Historic Preservation and Architectural Review Board shall consider the following principles, criteria, and guidelines.

(2) The Board's decision shall be based on the following principles of compatibility:

(a) Properties which contribute to the character of the Village and/or the particular neighborhood in which the property is located shall be retained, with their historic features altered as little as possible;

(b) Any alteration of an existing property shall be compatible with its historic character, and, to the extent applicable, also with the surrounding historic properties or neighborhood; and

(c) New construction and/or the application of new materials or technology shall be compatible with the neighborhood in which it is located.

(3) In applying the principle of compatibility, the Board shall consider the following factors:

(a) The general design, character, and appropriateness to the property of the proposed alteration or new construction;

(b) The scale of proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;

(c) Texture and composition of building materials (and where the materials are brick, stone or other materials where color cannot be changed, the color of such materials may be a factor to be considered) and their relation to similar features of other buildings, structures and/or properties in the neighborhood;

(d) Visual compatibility with surrounding buildings, structures, and properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof shape, and the rhythm of spacing of properties on streets, including setback; and

(e) The importance of historic, architectural, or other features to the significance of the property.

(4) Additional guidelines.

(a) A property should be used as it was historically or converted to a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(b) The historic character of a property should be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property should be avoided.

(c) Each historic building, structure and/or property should be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, should not be undertaken.

(d) Changes to an historic building, structure or property which may have taken over time are also evidence of the history of such building, structure, or property. Those changes that have acquired historic significance in their own right should be retained and preserved.

(e) Distinctive features, finishes, materials, and construction techniques or examples of craftsmanship that characterize a property should be preserved.

(f) Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature and/or material, the new feature and/or material should match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features should be substantiated by documentary, physical, or pictorial evidence.

(g) Chemical or physical treatments, such as sandblasting and certain mechanical sanding techniques, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(h) Significant archeological resources affected by any project shall be documented, protected, and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(i) New additions, exterior alterations, or related new construction should not destroy historic materials, features, and spatial relationships that characterize a building, structure or property. The new work shall be differentiated from the old and shall be compatible with the size, scale, materials, features, proportion, massing, and character of the property and neighborhood. Such new additions, exterior alterations, or related new construction should also protect the integrity of the property and its environment.

(j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic building, structure and property would be unimpaired.

(5) Energy efficiency; accessibility considerations; health and safety code considerations. The conservation and improvement of existing built resources, including reuse of historic and older buildings, greening the existing building stock, and reinvestment in older and historic communities, are important components of energy conservation and combating climate change. Furthermore, building code and ADA requirements ensure that buildings are accessible and provide for the health and safety of their occupants. As such, the provisions of this section shall not presumptively prohibit the utilization of renewable energy, green materials, or energy conservation technologies for any property, nor changes necessary to meet safety and health codes or ADA requirements. However, such work should be assessed for its potential negative impact on the building's historic character and to the character of the immediate neighborhood. Particular care must be taken not to obscure, damage, or destroy character defining materials or features in the process of undertaking work to meet code or accessibility requirements, or energy conservation practices.

F. Hardship criteria for demolition. An applicant whose certificate of appropriateness for a proposed demolition has been denied may apply for relief on the ground of hardship. In

order to prove the existence of hardship, the applicant shall establish by documentary evidence that:

(1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible, and provided that the lack of return is substantial as demonstrated by competent financial evidence;

(2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(3) Good-faith efforts to find a purchaser interested in acquiring the property and preserving it have failed.

G. Hardship criteria for alteration. An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish by documentary evidence that the property is incapable of earning a reasonable return without the proposed alteration, regardless of whether that return represents the most profitable return possible, and provided that the lack of return is substantial as demonstrated by competent financial evidence.

H. Hardship application procedure.

(1) After receiving written notification from the Board of the denial of a certificate of appropriateness, an applicant may commence the hardship process by submitting a hardship application within 24 months of the date of the decision that denied the certificate of appropriateness application. No physical work on, or alteration of, any building, structure or property shall commence and no zoning permit, building permit, or demolition permit shall be issued unless the Board makes a finding that a hardship exists.

(2) The Board shall hold a public hearing on the hardship application at which an opportunity will be provided for proponents and opponents of the application to present their views. The procedures set forth in Subsection D(1)(c) and (d) above shall be followed with respect to the hearing procedures and decisionmaking procedures.

(3) The applicant shall consult in good faith with the Board, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

(4) All hardship decisions of the Board shall be in writing. A copy shall be forwarded to the applicant and a copy retained with the Board's files, a copy filed with the Village Clerk's office and with the Zoning Enforcement Officer. The Board's decision shall state the reasons for granting or denying the hardship application. If the application is granted, the Board shall approve only such work as is necessary to alleviate the hardship.

I. Enforcement. All work performed pursuant to a certificate of appropriateness issued under this section shall conform to any requirements included therein. It shall be the duty of the Village Zoning Enforcement Officer to inspect periodically any such work to

assure compliance. In the event work is found that is not being performed in accordance with a certificate of appropriateness, or upon notification of such fact by the Historic Preservation and Architectural Review Board, the Zoning Enforcement Officer shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect. The stop-work order shall remain in effect until lifted by the Zoning Enforcement Officer once work progresses, or will progress, in accordance with a certificate of appropriateness.

J. Maintenance and repair.

(1) Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a building, structure or property within the Overlay District, which does not involve a change in design, material, or outward appearance.

(2) No owner or person with an interest in property shall permit the property to fall into serious disrepair, as such term is defined in Article XVI of this chapter, so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Historic Preservation and Architectural Review Board, produce a detrimental effect upon the character of the neighborhood in which it is located, of the Village as a whole, or the life and character of the building, structure or property itself.

K. Violations.

(1) Failure to comply with any of the provisions of this ordinance shall be deemed a violation and the violator shall be subject to a fine or penalty as provided in § 300-63 of this chapter.

(2) In addition to the fines or penalties provided in § 300-63 of this chapter, any person who demolishes, alters, or constructs in violation of this section shall be required to restore the property and its site to its appearance prior to the violation. In addition to the fines or penalties provided in § 300-63 of this chapter, any person who permits a designated property to fall into a serious state of disrepair shall be required to restore the property to a safe condition. If such work requires more than ordinary maintenance and repair, the applicant shall apply for a certificate of appropriateness. Any action to enforce this subsection shall be brought by the Village Attorney. This civil remedy shall be in addition to and not in lieu of any other civil fines or remedies, or criminal prosecution and penalty.

L. Appeals. Any person aggrieved by a decision of the Historic Preservation and Architectural Review Board relating to hardship or a certificate of appropriateness may, within 30 days of the decision, commence a special proceeding pursuant to Article 78 of the Civil Practice Law and Rules (CPLR).

ARTICLE VI
Supplementary Regulations

§ 300-27. Uses specifically prohibited in all districts.

A. Shooting galleries, amusement arcades, and other uses of a similar nature are prohibited.

B. Roadside stands or any retail business conducted from temporary or nonpermanent structures or outdoors on lawns, sidewalks, driveways or patios is prohibited, except as allowed under Chapter 277, Vending, Peddling and Soliciting, of the Code of the Village of Cooperstown.

C. Any use of land, building, and structures or any industrial process that may be offensive, noxious, or injurious by reason of the production or emission of dust, smoke, heat, glare, refuse matter, odor, gas, fumes, noise, vibration, or similar substances or conditions is prohibited. Emission of smoke, as measured at the point of emission, which is darker or more opaque than Number 1 on the Ringelmann Smoke Chart published by the United States Bureau of Mines is prohibited, except that smoke not darker or more opaque than Number 2 on said chart may be emitted for periods not longer than four minutes in any 30 minutes.

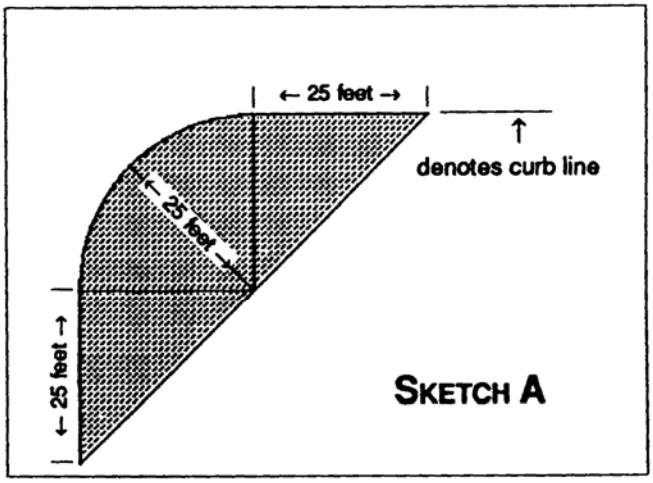
D. High-pressure boilers, equipped to operate regularly over 15 pounds per square inch, are prohibited except in Commercial Districts.

E. Establishments offering adult entertainment in any residential district are strictly prohibited. Establishments offering adult entertainment within 500 feet of any residential district or within 800 feet from a school, house of worship or day-care center are also strictly prohibited.

§ 300-28. Supplementary yard requirements.

A. The Board of Appeals may permit a garage accessory to a residence to be located within the front yard where, due to topographic conditions, there would be practical difficulties in constructing a safe and convenient drive from the street; provided, however, that such garage shall not adversely affect the future use and development of adjacent properties.

B. No shrubbery, hedge, or other natural growth, fence or wall over three feet higher than the apex at the center line of the street shall be located within the triangular area shown shaded in Sketch A below at the intersection of two streets, nor shall the limbs or foliage on any tree obstruct vision or be permitted to grow nearer to the ground than eight feet where such limbs or foliage overhang or are over land within the triangular area as shown in Sketch A.



C. An unroofed terrace or patio which is not more than one foot above ground level, or an arbor, open trellis, or flagpole, is permitted in a required yard. An open fire escape, deck or unroofed porch, or terrace, which is more than one foot above ground level, may project not more than six feet into a required rear yard.

D. An awning or movable canopy may project not more than 1/2 of the distance into a required yard; cornices or eaves may project not more than 24 inches into a required yard.

E. A fence or wall is permitted as defined under "fence" and "yard" in Article XVI. A fence which is installed along a lot line or within any yard shall have a comparable quality and appearance on both sides.

F. All required front yard depths shall be measured from the designated street line, front lot line, or existing street line, whichever is a greater distance from the center line of the public street abutting the lot in question. Where lots are subdivided on other than a public street, the designated street line, for purposes of front yard measurement, shall be parallel to and 25 feet distant from the center line of any access easement or right-of-way.

G. A front yard shall be required on a corner lot from each street line. There shall be designated on the plot plan which of the remaining yards shall be the side and rear yard or setback, respectively.

§ 300-29. Supplementary requirements for buildings and structures.

A. The height limitation of this chapter shall not apply to:

(1) Rooftop bulkheads, elevator penthouses, water towers, fire towers, hose towers, cooling towers, air-conditioning or heating equipment, provided that such features shall not occupy, in the aggregate, more than 10% of the area of the roof of a building, and are set back from the edge of the roof at least one foot for each one

foot by which such features exceed the maximum height otherwise specified for the district in which they are located. All such mechanical equipment located on the tops of building shall be visually screened.

(2) Parapet walls or cornices provided they do not exceed the maximum height requirement for the district in which they are located by more than four feet.

(3) Solar energy systems, provided that such systems shall be erected only to the height necessary to accomplish the purposes they are intended to serve; a building permit shall be required for such systems to be created.

B. An outer court shall be at least as wide as its depth or as wide as the height of the highest wall adjoining said court, whichever is the greatest.

C. The distance between two principal buildings on the same lot shall be no less than the height of the taller building. The distance between a principal building and an accessory building shall be no less than the height of the accessory building.

§ 300-30. Supplementary requirements for signs.

Chapter 227, Signs, of the Code of the Village of Cooperstown provides the requirements for all signs erected as accessory uses to any uses permitted in this chapter.

§ 300-31. Supplementary environmental requirements.

A. The provisions of the State Environmental Quality Review Act (SEQRA)[3] shall be complied with as appropriate. Fees for SEQRA processing are in addition to other fees required by this chapter as set forth in the Standard Schedule of Fees of the Village of Cooperstown.[4]

B. If a proposed site is in a flood hazard location identified by the Federal Insurance Administrator[5] pursuant to the Flood Disaster Prevention Act of 1973, as amended, any proposed activity or construction on such a site shall be subject to the requirements of Chapter 107, Flood Damage Prevention, of the Code of the Village of Cooperstown.

C. Not more than 30% of trees with a trunk diameter of six inches or more on any property may be cut or drastically altered in configuration in any district within a ten-year period. In addition within 20 feet of the shoreline of the lake or the river, not more than 30% of the small trees or bushes may be cut or drastically altered in configuration over a ten-year period. Site development plans must detail all proposed tree and brush removal. This subsection shall not apply to the pruning or cutting of trees that are diseased or unsafe.

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3. **Editor's Note: See Environmental Conservation Law § 8-0101 et seq.**

4. **Editor's Note: Current fees are on file in the office of the Village Clerk.**

5. **Editor's Note: Now FEMA, the Federal Emergency Management Agency.**

§ 300-32. Average density (cluster development).

A. The Village Board hereby authorizes the Planning Board, simultaneously with the approval of a subdivision plat in accordance with § 7-738 of the Village Law, to modify the applicable bulk and area provisions of this chapter.

(1) This procedure shall be applicable only to lands zoned for residential purposes and may be initiated only as follow:

(a) At the discretion of the owner or (or subdivider) with the approval of the Planning Board for any residential district;

(b) As a requirement by the Planning Board for the Residential R-1A District.

(2) The procedure may be used to modify the minimum lot area requirements; lot width; front, side, and rear yards and setbacks; and street frontage. This procedure shall not be used to modify the requirements for building height.

B. The application of this procedure shall result in a permitted number of dwelling units which shall in no case exceed permitted number of dwelling units which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning applicable to the district or districts in which such land is situated and conforming to all other applicable requirements. However, in the calculation of the number of such permitted lots, the Planning Board shall not consider areas of the tract which are unbuildable due to the presence of conditions such as wetlands, steep slopes, and areas subject to flooding. The Planning Board may, at its discretion, require the applicant to submit a standard plat along with the clustered plat for the purpose of arriving at the maximum density calculation.

C. In the event the application of this procedure results in a plat showing lands available for park, recreation, open space, or other municipal purposes, then the Planning Board, as condition of final plat approval, may establish such conditions as to the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes. All such conditions shall be approved by the Village Board prior to preliminary plat approval by the Planning Board.

D. Open space land created as part of the application of average density (cluster development) to a subdivision plat, and which is not required or permitted to be accepted for dedication to the Village of Cooperstown, shall be in a form of common ownership, which form and content shall be subject to the approval of the Village Board and which shall meet at least one of the following conditions:

(1) That each owner or owners of every subdivision lot shall be an owner in common with the other owners of the subdivision of the land intended to be held as open space.

(2) That each subdivided lot shall carry with it a covenant underwriting the payment of taxes on the open space land, which covenant shall bind the owner thereof and every successive owner thereof.

(3) A homeowners' or cooperative association or corporation may be formed to hold ownership of the open space; provided that each and every subdivided lot owner shall remain liable for the taxes, operation, and maintenance of the open space land.

(4) Such other mechanism or form as shall be approved by the Village Board which shall satisfy the requirements of the payment of taxes and the operation and maintenance of the property so created.

E. In those instances where the Planning Board requires the owner to submit an application which reflects a modification of the bulk and area provisions of this chapter, it may require that such plat address site-specific conditions, as required by the Planning Board, including:

(1) Housing types allowed, e.g., detached, semidetached, attached, etc., and the percentage or amount of each type to be allowed;

(2) The percentage of open space required;

(3) The amount of parking required;

(4) The maximum amount of roadway allowed; and

(5) Other elements such as the type of access to be provided to the site, the type of grading and landscaping to be carried out, the amount of buffering, drainage, etc.

F. Plats for which a clustered development is proposed shall be processed in the same manner as regular plat approval applications except that the following conditions shall also be met:

(1) If the owner of subdivider of the land being subdivided desires or is required to make this modification, he shall make application to the Planning Board at the same time as applying for subdivision approval in accordance with the Village subdivision requirements.[6]

(2) The Planning Board, before modifying such requirements shall find that such modification would be consistent with the intent of this authorization, in conformance with the intent of the Master Plan, and in the Board's judgment, beneficial to the interests of the Village and the neighborhood in which the subdivision is located;

(3) If as a result of this procedure lands are make available for common open space of public use, such lands shall be clearly indicated on the subdivision plat;

(4) The Planning Board shall hold a public hearing upon the application for modification of zoning requirements prior to the approval thereof, and such hearing may be held simultaneously with the hearing upon the preliminary subdivision plat; and

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6. Editor's Note: See Ch. 245, Subdivision of Land.

(5) On the filing of the plat in the office of the Otsego County Clerk, a copy shall be filed with the Village Clerk who shall make appropriate notations and references thereto in the Official Zoning Map.

ARTICLE VII
Accessory Parking and Loading Requirements

§ 300-33. Standards for off-street parking.

Off-street parking spaces shall be provided in all districts in accordance with the standards set forth below:

A. Two spaces for each family in residential structures.

B. One space for each guest sleeping room in tourist accommodations, motels, and hotels.

C. One space for each 200 square feet of retail selling space.

D. One space for each 500 square feet of wholesale or warehouse floor space.

E. One space for each four seats in theaters and auditoriums or churches.

F. One space for each two beds in hospitals; one space for each two employees during maximum employee hours.

G. Two spaces for each 1,000 square feet of manufacturing space in factories; three spaces for each 1,000 square feet of office space or laboratories.

H. One space for each 300 square feet of office floor area.

I. One space for each 800 square feet of museum exhibit area plus one space for each two employees.

J. For any use not listed in Subsections A through I preceding, the Board of Appeals shall establish the minimum standard for the specific use in question.

K. Where, in any Business District, it is not feasible to provide the number of off-street parking spaces otherwise called for by this chapter, the Board of Appeals shall establish the minimum standard for the specific use in question, bearing in mind the requirements of § 300-35 and needs for fire and safety access.

§ 300-34. Areas computed as parking spaces.

A. Location. Areas which may be considered as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street, or entrance and exit lanes, except that no vehicle shall be parked or stored in any required yard or fire lane. A driveway beyond a required front yard for a one-family residence may count as one parking space. Where practicable all driveways shall include an adequate turnaround area to preclude the need for backing onto a public road.

B. Size of spaces. Minimum parking stall width shall be nine feet, except that the Planning Board may reduce stall widths for employee parking areas to 8 1/2 feet.

§ 300-35. Requirements.

A. Access. Unobstructed access to and from a street shall be provided for nonresidential uses. Such access shall consist of at least one twelve-foot lane for parking areas with 20 or fewer spaces and at least two twelve-foot lanes for parking areas with over 20 spaces. Access to roads shall include adequate turnaround area to preclude the need for backing out onto the road right-of-way. Clear pedestrian access shall be provided from parking areas to buildings on a site.

B. Drainage and surfacing. All open parking areas shall be properly drained, and all such areas shall be provided with a dustless surface, except that grassed areas may be used at the discretion of the Planning Board.

C. Joint facilities. Required parking spaces, open or enclosed, may be provided in spaces designated to serve jointly two or more uses or owners, whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall not be less than the total required for all such uses.

D. Combined uses. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Planning Board may reduce the total parking spaces required by 50% of the parking spaces required for that use with the least requirement.

E. Location and ownership. Required accessory parking spaces shall be provided upon the same lot as the use to which they are accessory or on a nearby lot, provided that all spaces on the second lot are located within 400 feet walking distance of the original lot along the existing road network. Parking spaces shall conform to all the requirements of the district in which the parking spaces are located. In no event shall such parking spaces be located in any residential district unless the use to which the spaces are accessory is permitted in such residential district. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, in a form approved by the Village Attorney, binding the owner and his heirs and assigns to maintain the required number of spaces available either throughout the existence of the use to which they are accessory or until such spaces are provided elsewhere.

F. Lots divided by district boundaries. When a parking lot is located partly in one district and partly in another district, the regulations for the district requiring the greatest number of parking spaces shall apply to the entire lot. Parking spaces on such lot may be located without regard to district lines, provided that such parking spaces shall not be located in any residential district unless the use to which they are accessory is permitted in such district.

§ 300-36. Screening of parking adjacent to residential district.

Wherever a parking area of over four spaces abuts or is within 15 feet of a lot in any residential district, it shall be screened from such residential lot by a substantial wall, fence, or thick hedge, approved by the Planning Board.

§ 300-37. Driveways.

No driveways shall provide access to a lot located in a nonresidential district across land in a residential district.

§ 300-38. Parking, storage and use of trailers, recreational vehicles and boats. [Amended 2-28-2011 by L.L. No. 4-2011]

One house trailer, horse trailer, recreational vehicle, nonregistered motor vehicle, or boat and boat trailer may be parked or stored on any developed residential lot behind the required front yard and shall be screened from view. All other parking, storage or use of such equipment, unless specifically permitted elsewhere in this Code, regardless of zoning district, is prohibited. The use of such equipment for dwelling or storage purposes is prohibited.

§ 300-39. Off-street loading berths.

A. In B and C Districts, there shall be one loading berth with minimum dimensions of 10 feet by 50 feet with a clear height of 15 feet for the first 10,000 square feet of gross floor area and one berth for each additional 20,000 square feet of gross floor area or major portion thereof. The Planning Board may modify the minimum requirements where necessary to ensure proper circulation and traffic safety or where such change would not create future difficulties in the event the structures or uses are changed to any other use permitted by right in the district.

B. Location and access. Unobstructed access, at least 12 feet wide, to and from a street shall be provided to off-street loading berths. Such access may be combined with access to parking areas. No off-street loading berth shall be located between the street line and principal building. A loading berth shall not be located in any required yard and shall be screened where visible from any residential district boundary.

C. Joint facilities. Loading berths may be provided in spaces designed to serve jointly two or more adjacent establishments, provided that the number of required berths in such joint facilities shall not be less than the aggregate of all such requirements.

D. On lots divided by district boundaries. When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of loading berths shall apply to the entire lot. Loading berths on such lot may not be located in any residential district unless the use to which they are accessory is permitted in such district.

§ 300-40. Additional requirements for accessory parking spaces and loading berths.

A. Access near street intersections. No entrance or exit for any accessory off-street parking area with more than four parking spaces, nor for any loading berth, shall be located closer than 75 feet to the intersection of any two designated street lines. This distance shall be 100 feet for any signalized intersection or an intersection providing for a designated left-turn storage lane on the same intersection leg as the proposed access drive.

B. Screening. Parking areas with more than four spaces in a residential district shall be screened from all property lines, including any roads bordering the property. All parking areas and loading berths shall be screened from any residential district boundary where visible. Such screening shall not obstruct sight distance. The Planning Board may require landscaping between nonresidential use parking areas to prevent massing of such areas and to protect the character and compatibility of adjacent uses.

ARTICLE VIII
Site Development Plan Review

§ 300-41. Requirements; exceptions.

A. All principal uses shall require a site development plan approval by the Planning Board prior to the issuance of a building permit, or certificate of zoning compliance.

B. No lot or parcel of land shall be used except in conformity with an approved site development plan, when required.

C. In special permit cases a site development plan is not required where:

(1) The use for which the special permit is requested will be carried on in an existing structure;

(2) There will be no change in any external features of existing structure including but not limited to construction, reconstruction, alteration, removal, or demolition; and

(3) The conditions and safeguards as outlined below in § 300-42, Objectives, are satisfied.

§ 300-42. Objectives.

In considering and acting upon site development plans, the Planning Board shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the prospective occupants of the proposed development and of the immediate neighborhood in particular, and may prescribe such appropriate conditions and safeguards as may be required in order to further the expressed intent of this chapter and accomplish the following objectives in particular:

A. Traffic access. All proposed traffic accesses will be adequate but not excessive in number; adequate in width, grade, alignment, and visibility; not located too near street corners or other major access points; and conform to other similar safety considerations.

B. Circulation and parking. Adequate off-street parking and loading spaces will be provided to prevent parking of vehicles on public streets. The interior circulation system will be adequate to provide safe accessibility to all required off-street parking.

C. Landscaping and screening. All recreation areas, parking and service areas, and principal accessways will be reasonably screened from the view of adjacent residential lots and streets at all seasons of the year.

D. Compatibility. Signs and lights will be compatible and in scale with building elements and will not predominate the overall visual impact of the project. Textures of buildings and paved areas will be sufficiently varied to prevent a massive or monolithic appearance, particularly areas of asphaltic paving for parking.

E. Environment. The design, layout, and operational characteristics of the proposed use will not represent significant adverse impact on the environment or result in a waste of the land and other natural resources of the Village. To the greatest possible extent, development will be in harmony with the natural environment and adequate compensatory devices will be prescribed to offset potential significant deterioration resulting from the project. Trees are recognized to provide various benefits to the environment, including the stabilization and preservation of the soil, the absorption of air pollutants, and the provision of oxygen, and further provide natural barriers to noise, and habitats for wildlife, while maintaining and offering an intrinsic aesthetic quality.

F. Development. The site development plan elements including buildings, parking, drainage, circulation, signs, and lighting will not adversely affect the potential of adjacent properties or the property under review from its highest and best use.

G. Nearby properties. In the case of residential districts, parking, pedestrian and vehicular circulation, lighting and noise associated with the proposed plan shall not interfere with neighboring property owners' right to enjoy the residential character of their property.

§ 300-43. Procedure.

A. Prior to application for a building permit or certificate of zoning compliance, where required, site development plan approval shall be secured from the Planning Board. No site development plan shall be considered until the requirements of the State Environmental Quality Review Act (SEQRA)[7] have been complied with. The applicant has the option of choosing between a formal application for approval and an informal submission for review. The Site Development Plan Rules and Regulations as adopted by the Planning Board provide detailed specifications as to application materials. For purposes of an informal submission, the applicant should provide as much information as he can, keeping in mind the specific criteria specified in the Site Development Plan Rules and Regulations. The preapplication review by the Planning Board shall not constitute a formal application and no approval can be granted based on it. At this time, the applicant should outline any modifications he is requesting from the requirements specified in the Site Development Plan Rules and Regulations.

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7. Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

B. Submissions for site development plan review shall be made on forms prescribed by the Planning Board and accompanied by a fee in accordance with the Standard Schedule of Fees of the Village of Cooperstown.[8] Such submission shall be submitted to the Planning Board at least three weeks prior to the Planning Board meeting at which review is sought. The Planning Board shall determine if the submission 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.

§ 300-44. Preliminary review and approval.

A. An applicant, at his discretion, may submit, prior to a formal application for final site development plan approval, an application for preliminary site development plan approval. The applicant shall submit all application materials provided for in the Site Development Plan Rules and Regulations in as much detail as he feels is warranted to enable the Planning Board to come to a preliminary conclusion as to the merits of the proposal. Should variances from the requirements of this chapter be contemplated, their nature and degree should be specified. The application for preliminary approval shall be made and processed in the manner specified in § 300-43B.

B. The Planning Board will review the proposed plan and may grant concept approval with such conditions as are necessary to ensure conformity of said plans with the general and specific criteria set forth in this chapter and other applicable rules and regulations of the Village of Cooperstown. The Planning Board shall authorize the setting of a public hearing for consideration of a final site development plan. In reviewing a site development plan application which has been granted a special permit by the Village Board or Board of Appeals, the Planning Board shall ensure conformity with any special permit requirements.

§ 300-45. Final review and approval.

A. An application for final site development plan approval shall be made in the same manner as prescribed for preliminary approval as specified in the Site Development Plan Rules and Regulations.

B. The final site development plan and all supporting materials shall be subject to review and consultation in the same manner as the preliminary site development plan. The Planning Board shall make a determination on the application within 62 days of the close of the public hearing. In the event no determination is made within 62 days, and the applicant has not waived the time requirements, the application shall be deemed approved. The Board shall include such conditions of approval as were required and in addition:

(1) The Planning Board shall require that on- or off-site improvements be installed, including but not limited to on- or off-site drainage systems to ensure that all drainage, storm runoff, and subsurface waters are carried into approved watercourses and drainage systems. The Planning Board shall further require that

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8. Editor's Note: Current fees are on file in the office of the Village Clerk.

all such off-site improvements and/or drainage systems be installed on property granted to the Village by fee, easement, or otherwise, as determined by the Planning Board.

(2) No certificate of zoning compliance shall be issued for the site until all the improvements shown on the site development plan, including off-site requirements, required by the site development plan have been duly installed and all easements and property interests granted or dedicated to the Village.

(3) The site shall be developed in strict conformity to the approved site development plan except as provided for below. When the approval of a field change (see definition of "field change"[9]) is requested of the Codes Official, such request shall be submitted to the appropriate inspecting agency in writing. No field change shall be valid unless a copy of the requested change is filed with the Planning Board, with the approval of the appropriate agency noted thereon or appended thereto, within five days of such approval. Such field change shall be reviewed with the Planning Board before being approved, and shall not be granted if a majority plus one of the membership of the Planning Board disapproves of such field change.

§ 300-46. Signing of plan; referral to Codes Official.

Upon submission of the final site development plan with modifications required by the Planning Board in its final approval, and upon satisfaction of any conditions imposed by such approval, the Chairman of the Planning Board shall sign the approved site development plan and file one copy with the Codes Official who may thereafter issue a building permit.

§ 300-47. Amendment of approved site development plan.

An application for an amendment of any approved site development plan for a site which has received prior final site development plan approval shall be processed in accordance with the preceding provisions. However, only those site development plan elements proposed to be modified or changed need be presented, except where such modifications or changes have a material and substantial impact on the balance of the site development plan and functioning of the site. The applicant's licensed design professional shall submit a letter, and a drawing when necessary, indicating the scope of the proposed change no later than 21 days before a Planning Board meeting for a determination by the Planning Board as to whether the proposed amendment shall require a public hearing. Fees for an amended site development plan approval shall be in accordance with the Standard Schedule of Fees of the Village of Cooperstown.[10]

§ 300-48. Site maintenance.

It shall be the duty of every property owner to maintain his property in conformity with the approved site development plan. Failure to do so shall constitute a violation of this chapter.

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9. Editor's Note: See 300-84.

10. Editor's Note: Current fees are on file in the office of the Village Clerk.

ARTICLE IX
Nonconformities and Noncompliance

§ 300-49. Intent.

A. Within the districts established by this chapter or amendments that may later be adopted, there exist uses of land, or uses of structures, or uses of structures and land which were lawful before this chapter was passed or amended, but which would be prohibited or restricted under the terms of this chapter or future amendment, herein referred to as "nonconforming uses." There may also exist lots or structures or lots and structures which would be regulated and restricted in ways other than their use, herein referred to as "noncomplying lots or structures."

B. 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.

C. It is the general intent of this chapter that nonconforming or noncomplying uses shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other uses prohibited elsewhere in the same district or in the Village.

§ 300-50. Nonconforming uses.

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 may be continued, so long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming use shall be enlarged or increased, nor extended 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 shall 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 six months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

B. Uses of structures or structures and land. If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this chapter, the lawful use 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 shall 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;

(2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building;

(3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall 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, the structure, or structure and land in combination, shall 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 shall 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 shall not be repaired or restored or its use continued as a nonconformity, unless such repair or restoration shall take place within one year from the time of such damage or destruction and the use at the time of such damage or destruction is resumed within the said year. Failure to so repair or restore or so resume such use shall eliminate the nonconforming status of the land.

§ 300-51. Noncomplying lots or structures.

A. Lots of record.

(1) 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. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard dimensions and other requirements shall be obtained only through action of the Board of Appeals.

(2) If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width

and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this chapter.

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 area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No such structure may be enlarged or altered in a way which increases its noncompliance;

(2) Should such structure be damaged or destroyed by any means, it shall not be repaired or restored or its noncomplying uses continued, unless such repair or restoration shall take place within one year from the time of such damage or destruction and the use at the time of such damage or destruction is resumed within the said year;

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

(4) A noncomplying structure cannot be changed to another noncomplying structure.

§ 300-52. Repairs and maintenance.

A. On any building devoted in whole or in part to any nonconforming or noncomplying use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 50% of the true value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

B. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

§ 300-53. Change of use.

Any nonconforming use may be changed to any conforming use or, on application to and with the approval of the Board of Appeals, to any use which the Board of Appeals deems to be more similar in character with the uses permitted in the district in which said change of use is proposed. Any nonconforming structure or structure and land may be changed to a conforming use, regardless of whether the newly created conforming use is noncomplying as to bulk, subject to approval by the Board of Appeals, subject to the same general

considerations applicable to the granting of special permits and subject to site development plan approval.

ARTICLE X
Administration and Enforcement

§ 300-54. Codes Official.

A Codes Official, designated by the Village Board of Trustees to serve at the pleasure of the Board, shall administer and enforce this chapter. He may be provided with the assistance of such other persons as the Village Board of Trustees may direct. If the Codes Official shall find that any of the provisions of this chapter are being violated, he shall 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. He is hereby empowered to order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or to take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions.

§ 300-55. Building permits required.

A. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Codes Official. No permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Appeals.

B. No permit shall be issued where the proposed structure is located in a flood hazard location except in conformity with § 300-31B of this chapter.

C. Where a site development plan is required by this chapter, no building permits shall be issued for any buildings or structures on the site until the site development plan has been approved by the Planning Board.

§ 300-56. Application for building permit.

A. All applications for building permits shall 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 lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Codes Official, including 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 shall be returned to the applicant by the Codes Official, after he shall have marked such copy either as approved or disapproved and attested to same by his

signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Codes Official.

B. An application for a building permit shall be accompanied by a fee in accordance with the Standard Schedule of Fees of the Village of Cooperstown.[11]

§ 300-57. Certificates of zoning compliance for new, altered or nonconforming uses.

A. It shall be 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 certificate of zoning compliance shall have been issued therefor by the Codes Official stating that the proposed use of the building or land conforms to the requirements of this chapter.

B. No nonconforming structure or use shall be renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the Codes Official. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this chapter.

C. No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this chapter upon completion of the work. A temporary certificate of zoning compliance may be issued by the Codes Official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public. The Codes Official shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person.

D. Failure to obtain a certificate of zoning compliance shall be a violation of this chapter.

§ 300-58. Expiration of building permit.

If the work described in any building permit has not begun within 90 days from the date of issuance thereof, said permit shall expire. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the Codes Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

§ 300-59. Conformance with plans and specifications required.

Building permits or certificates of zoning compliance issued on the basis of plans and specifications approved by the Codes Official authorize only the use, arrangement, and construction set forth in such approved plans and specifications and no other use,

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11. Editor's Note: Current fees are on file in the office of the Village Clerk.

arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be a violation of this chapter.

§ 300-60. New York building construction standards adopted by reference.

The New York State Building Construction Code was adopted by the Village Board, 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.

§ 300-61. Revocation of permits or certificates of zoning compliance.

The Codes Official may revoke a building permit or certificate of zoning compliance issued 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 building permit or certificate of zoning compliance was based.

B. The building permit or certificate of zoning compliance was issued in error and 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 a special permit granted by the Village Board or Board of Appeals.

D. The work being performed under the permit or certificate is not in accordance with the provisions of the application, the permit or certificate, or the plans or specifications.

E. The holder of the permit has failed or refused to comply with a stop-work order issued by the Codes Official under § 300-62 below.

§ 300-62. Stop-work orders.

Whenever the Codes Official shall determine that work on any building or structure is being or has been conducted in violation of any of the provisions of the State Building Code, state, federal, county, or 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 building permit was issued, or that any work is being conducted in a dangerous or unsafe manner, then the Codes Official shall 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 Codes Official (a "stop-work order") shall 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 shall 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 Codes Official may, without further notice, revoke the building permit and, if there is a certificate of zoning compliance, revoke the same.

§ 300-63. Complaints; penalties for offenses.

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, shall be filed in duplicate with the Codes Official, who shall deliver one copy to the Village Board of Trustees. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

B. Penalties.

(1) Any person who shall violate any provision of this chapter, or shall build or alter any structure or use any land in violation of any statement or plan submitted and approved thereunder, or shall knowingly assist therein, shall be liable for the following penalties:

(a) First offense: At least $250 but no more than $500.

(b) Second offense: At least $1,000 but no more than $1,500.

(c) Third (and subsequent) offense(s): At least $1,500 but no more than $2,500 or imprisonment not exceeding 30 days or both such fine and 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 shall be deemed misdemeanors. In addition to the foregoing provisions, the Village of Cooperstown shall have such other remedies for any violation or threatened violation of this chapter as are now or may hereafter be provided by law.

§ 300-64. Appeals from action of Codes Official.

Whenever the Codes Official shall approve or disapprove, act or fail to act, or otherwise perform any of his duties or shall render a decision thereon, such decision shall be reviewable by appeal to the Board of Appeals from the Codes Official's decision. Such appeal shall be taken not more than 30 days after the filing of the decision of the Codes Official in the office of the Codes Official.

ARTICLE XI
Board of Appeals

§ 300-65. Creation, appointment and organization; alternate members.

A. The Board of Appeals shall consist of five members. Their successors shall be appointed in accordance with the provisions of Village Law. The Village Board shall designate the Chairman from among the Board's membership.

B. Alternate members. The Village Board may appoint not more than two alternate members of the Board of Appeals. Each such alternate member shall attend meetings of the Board of Appeals and participate in its deliberations but shall vote only in the event that a member of the Board of Appeals is absent, otherwise unable to act with respect to

a particular matter or is unable to participate because of a conflict of interest (Village Law § 7-712, Subdivision 11). When acting pursuant to the Board of Appeals authority provided hereby, such alternate member shall have all of the rights and privileges of a member of the Board of Appeals. The term of appointment of said alternates shall be as authorized by the Village Board under a duly adopted resolution. This section is adopted pursuant to the authority granted by § 10, Subdivision 1(ii)e(3), of the Municipal Home Rule Law and shall supersede any provision of the Village Law which is inconsistent herewith as well as Village Law § 7-712, Subdivision 11.

§ 300-66. Powers and duties.

The Board of Appeals shall have all the powers and duties prescribed by statute and by this chapter, which are more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of the Board that is conferred by law.

A. Appeals. The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination of the Codes Official or such other official charged with enforcement of this chapter.

B. Interpretation. On an appeal from an order, requirement, decision, or determination made by an administrative official or by the Codes Official, the Board of Appeals may decide any of the following questions:

(1) Determination of the meaning of any portion of the text of this chapter or of any condition or requirement specified or made under the provisions of this chapter.

(2) Determination of the exact location of any district boundary shown on the Zoning Map.

C. Variances. On appeal from an order, requirement, decision, or determination made by the Codes Official, or on referral of an applicant to the Board by an approving agency acting pursuant to this chapter, the Board of Appeals is authorized, after public notice and hearing, to vary or modify the strict letter of this chapter, where its literal interpretation would cause practical difficulties or unnecessary hardships, as defined in this section, in such manner as to observe the spirit of the law, secure public safety and welfare, and do substantial justice.

(1) Area variances.

(a) State statute authorizes the Zoning Board of Appeals (ZBA) to hear and decide upon applications for area variances. An area variance is defined as the authorization by the ZBA for the use of land in a manner which is not allowed by dimensional or physical requirements of the applicable zoning regulations. State statute sets forth the test to be applied when reviewing an application for an area variance.

(b) In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:

[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

[2] Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

[3] Whether the requested area variance is substantial;

[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and

[5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

(c) The ZBA, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(2) Use variances. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship.

(a) In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

[1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

[2] That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

[3] That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

[4] That the alleged hardship has not been self-created.

(b) The ZBA, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

D. Extensions across district boundaries. In appropriate cases where a lot lies within two districts, the Board of Appeals may permit the extension of existing or proposed permitted accessory off-street parking space across a district boundary, under such conditions as will safeguard the character of the district into which such use is extended.

However, no such extension shall exceed 75 feet, measured at right angles to such district boundary. The power under this subsection shall not permit the moving of the zoning district line but only the extension of the accessory off-street parking space.

E. Special permits.

(1) 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 permits for any of the uses so specified in §§ 300-10 through 300-15 (Schedule of Regulations). In issuing such special permit, 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 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. The Board of Appeals shall have the power to grant variances of any provision of this chapter on any application for a special permit.

(2) An applicant for a special permit shall simultaneously with the filing of an application with the Board of Appeals file an application for site development plan approval, if such is required under § 300-41, with the Planning Board together with appropriate plans, drawings, and fee for site development plan review indicating the extent of any variance required, if any. Thereafter, and before the Board of Appeals shall give any consideration to or review the application for such permit, the Planning Board shall review the application for the purpose of preliminary site development plan review and in light of the general considerations herein and specific standards herein for special permits. The Planning Board shall transmit its recommendations as to the application for a special permit to the Board of Appeals within 30 days of receipt of the application for site development plan approval.

(3) The Board of Appeals, upon receipt of the report of the Planning Board, shall, within 60 days, conduct a public hearing and within 62 days thereafter render its decision, unless the applicant waives the time requirements of this section. Upon approval of the special permit by the Board of Appeals, the decision shall be filed in the office of the Village Clerk and a copy thereof mailed to the applicant. Thereafter the applicant will proceed with site development plan approval before the Planning Board (Article VIII).

(4) Any use for which a special permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that such permit shall affect only the lot or portion thereof for which such permit shall have been granted.

(5) The Board of Appeals may require that special permits be periodically renewed. Such renewal shall be granted or denied following due public notice and hearing.

(6) Special permits, excluding tourist accommodations, shall be deemed to be indefinite authorization unless otherwise specified in the approval thereof, but in

any case shall expire within 18 months of date of approval unless a building permit has been issued for the special permit use. Such period may be extended on separate application to the Zoning Board of Appeals of the Village of Cooperstown.

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

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

(b) Tourist accommodations operating legally through a special permit or under the terms of Article IX, Nonconformities and Noncompliance, at the time of enactment of this amendment shall be allowed to continue to operate so long as they continue to conform to the terms of this chapter. However, such tourist accommodations will be assessed a fee of $100 per legally offered sleeping room annually on a date to be determined by the Board of Trustees of the Village of Cooperstown.

(8) When a use allowed under special permit is discontinued or abandoned for a period of one year, the special permit shall expire.

F. The Board of Appeals, after a public hearing, shall have the power to direct the Codes Official to issue a building permit, certificate of occupancy, or certificate of use, as the case may be, subject to other applicable laws, codes, rules, and regulations.

§ 300-67. Rules of procedure.

A. The Board of Appeals may adopt rules and regulations with respect to procedure before it and with respect to any subject matter over which it has jurisdiction. Such regulations shall include provisions for conduct of meetings, notification of parties, form of applications, and filing of decisions.

B. Every decision of the Board of Appeals shall be recorded in accordance with a standard format adopted by such Board, shall fully set forth the circumstances of the case and shall contain a record of the findings on which the decision is based. Every decision of said Board shall be by resolution and each such resolution shall be filed in the offices of the Village Clerk and Codes Official by case number.

C. All appeals and applications made to the Board of Appeals shall be in writing and shall be accompanied by a fee as determined in the Standard Schedule of Fees, as may be adopted from time to time by resolution of the Village Board.[12]

§ 300-68. Appeals from Board of Appeals determinations.

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

ARTICLE XII
Village Board Special Permits

§ 300-69. Authority; application for permit; fees.

A. Pursuant to the provisions of the Municipal Home Rule Law, the Village Board reserves the approval authority for special permits for certain uses identified as such in §§ 300-10 through 300-15 (Schedule of Regulations). Such uses represent such diverse benefits and impacts on local land uses as to preclude specific descriptions and standards for their approval. The Village Board, in considering any application for a special permit hereunder, shall exercise such discretion reserved for legislative matters so as to ensure that the public health, welfare, and safety are protected and the environmental and land resources of the Village are most efficiently utilized.

B. Applications for special permits pursuant to this chapter shall be upon forms prescribed by the Village Board and shall contain the information required in the rules and regulations adopted pursuant to this chapter.

C. Fees for special permit applications before the Village Board shall be in accordance with the Standard Schedule of Fees of the Village.[13]

§ 300-70. Application procedure.

A. An applicant for a special permit shall, simultaneously with the filing of an application with the Village Board, file an application for site development plan approval, if such is required under § 300-41, with the Planning Board together with appropriate plans, drawings, and fee for site development plan review. Thereafter, and before the Village Board shall give any consideration to or review the application for such special permit, the Planning Board shall review the application for the purpose of preliminary site development plan review and in light of the general considerations herein and specific standards herein for special permits. Thereafter, the Planning Board shall transmit its recommendations to the Village Board within 30 days of the receipt of the application for site development plan review.

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12. Editor's Note: Current fees are on file in the office of the Village Clerk.

13. Editor's Note: Current fees are on file in the office of the Village Clerk.

B. The Village Board, upon receipt of the report by the Planning Board, shall, within 62 days of such receipt, conduct a public hearing and within 62 days thereafter render its decision, unless the applicant waives the time requirements of this section.

C. The Village Board, in approving any special permit thereunder, shall require conformance to 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. The decision of the Village Board shall be filed in the office of the Village Clerk and a copy thereof mailed to the applicant. Thereafter, the applicant will proceed with site development plan approval before the Planning Board (Article VIII).

D. Unless specifically authorized in the decision of the Village Board, no requirement or condition of such special permit shall be subject to appeal before the Board of Appeals.

E. Requirements or conditions imposed by this chapter for any special permit use shall not be waived or reduced by the Village Board and shall be considered to be the minimum requirements for any authorization hereunder, except that the Village Board may authorize further application and action by the Board of Appeals. Special permits shall be deemed to be indefinite authorizations unless otherwise specified in the approval thereof, but in any case shall expire within 18 months of the date of approval unless a building permit has been issued for the special permit use. Such period may be extended on separate application to the Village Board.

F. The granting of special permits for the uses indicated may be conditioned on periodic renewal, which renewal shall be granted following application, public notice and hearing, and may be withheld upon determination that conditions as may have been identified in the original grant requiring that the use be of temporary duration now necessitate cessation of such use or imposition of additional or supplemental safeguards or conditions, or that the original conditions as may have been prescribed for such special permit have not been or are not being complied with, wholly or in part.

§ 300-71. Appeals from Village Board determinations.

Any person aggrieved by any decision of the Village Board 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.

ARTICLE XIII
Rules and Regulations

§ 300-72. Establishment.

The Village Board, Planning Board, Board of Appeals, and any other agency or board affected by this chapter shall have the power to adopt rules and regulations subject to the provisions hereinafter contained. Any board may promulgate or propose rules and regulations either in the conduct of its affairs or as supplementary to this chapter.

§ 300-73. Adoption.

The rules or regulations intended to be adopted shall first be promulgated by the board or commission. Upon approval of a majority of its members, the same shall be transmitted to the Village Clerk who shall include the same on a Village Board agenda within 60 days after receipt. The Village Board shall, in its regular public session, approve, disapprove, modify, or alter such or any portion of the proposed regulation, and when adopted by the Village Board, the same shall constitute a regulation of the promulgating board.

§ 300-74. Amendments.

Amendments to any rule or regulation promulgated by a board and adopted by resolution of the Village Board may be amended or rescinded by resolution of the Village Board, with or without the concurrence of the promulgating board.

§ 300-75. Violations.

Violation of the requirements of any rule or regulation shall be a violation of this chapter.

ARTICLE XIV
Amendments

§ 300-76. General; referral to Planning Board.

This chapter, or any part thereof, may be amended, supplemented, or repealed from time to time by the Village Board on its own motion or upon recommendation by the Planning Board or by petition. Prior to a public hearing, every such proposed amendment shall be referred by the Village Board to the Village Planning Board for a report, unless the proposed amendment was initiated by the Village Planning Board. The Village Board shall not take action on any such amendment without such report from the Village Planning Board unless the Planning Board fails for any reason to render such report within 60 days following the date of such referral.

§ 300-77. Amendments on petitions.

Petitions to amend this chapter shall be in writing and shall contain a description of the property affected, together with such other information as the Village Board shall require. Such petitions shall include the names and addresses of all owners of real property within 500 feet of the property affected or any other contiguous property of a petitioner in the same ownership. All petitions for amendment of this chapter, excepting those submitted by the Planning Board or on motion of the Village Board, shall be accompanied by a fee in accordance with the Standard Schedule of Fees of the Village.[14]

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14. Editor's Note: Current fees are on file in the office of the Village Clerk.

§ 300-78. Public hearing; notice of hearing.

The Village Board shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof as provided by law.

§ 300-79. Notification.

If any proposed amendment consists of or includes either of the following conditions, the Village Clerk shall transmit to the appropriate municipal office or official a copy of the official notice of the hearing not later than 10 days prior to the date of hearing:

A. Any change in the boundaries of any district, which change would occur within a distance of 500 feet of the boundary of any village or town or of a New York state or county road;

B. Any change in the regulations prescribed for any district any portion of which is located within 500 feet of the boundary of any village or town or of a New York state or county road.

§ 300-80. County Planning Board referral.

Pursuant to General Municipal Law Article 12-B, § 239-m, all proposed amendments, site plans, special permits or variances shall, prior to final action, be referred to the Otsego County Planning Board when the subject property is within 500 feet of any of the following:

A. The boundary of any village or town;

B. The boundary of any state or county park or other recreation area;

C. The right-of-way of any state parkway, thruway, road, or other controlled access highway or county road or parkway;

D. The right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines;

E. The boundary of any county- or state-owned land on which a public building or institution is located.

ARTICLE XV
Interpretation

§ 300-81. Construal of provisions.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Except where specifically provided to the contrary, it is not intended by this chapter to repeal, abrogate, annul, or in any way to impair or interfere with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelter, or premises; nor is it

intended by this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of a building or premises or requires larger open spaces than are imposed or required by any other statute, local law, rule, regulation, or permit or by any easement or agreement, the provision of this chapter shall control.

§ 300-82. Severability.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared unconstitutional or invalid. Should any provision pertaining to any special permit use be declared unconstitutional or invalid, the Village Board declares that such provision would not be enacted in whole or in part, and that such uses are declared prohibited absent such special permit use regulation.

ARTICLE XVI
Terminology

§ 300-83. Word usage.

For the purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

B. The word "shall" is mandatory, the word "may" is permissive.

C. The word "used" or "occupied" includes the words "intended, designed or arranged to be used."

D. The word "lot" includes the words "plot" or "parcel."

E. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

§ 300-84. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONMENT or DISCONTINUANCE — The cessation or vacancy of a nonconformity for a period of one year.

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, and if rented, is rented for no less than 30 consecutive days. If the accessory apartment unit is rented, an owner must occupy the principal dwelling; however, if desired, an owner may occupy the accessory apartment unit while renting the principal dwelling for no less than 30 consecutive days.

ACCESSORY USE OR STRUCTURE — A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

ADDITION — New construction which increases the height or floor area of an existing building.

ADEQUATE — That which is barely sufficient or suitable; as much as necessary, average or fair.

ADULT ENTERTAINMENT — Entertainment intended exclusively for adults, the viewing of which is normally excluded from minors by reason of age. "Adult entertainment" includes but is not limited to topless dancers, striptease performers and pornographic magazines, books, and films on tape, compact disc or digital video disc, or other media.

AGRICULTURE — The raising of fruits, vegetables and plants and the structures incidental thereto.

ALTERATION — Construction in a building which may change the structural parts or location of openings but does not change the overall dimensions of the building. "Altering" is the act of making alterations.

AMUSEMENT ARCADE — A structure or area housing or enclosing more than three amusement devices.

AMUSEMENT DEVICE — A coin- or token-operated device, the use of which results in electronic or mechanical displays and/or operation, or the production of musical entertainment, or which provides rides or simulated rides.

APARTMENT — A room or suite of rooms, separated from and contained in a larger dwelling, or independently in an accessory structure, designed to be lived in and containing housekeeping facilities.

ARBOR — A light open structure, usually having a lattice framework, intended to support vines, flowers or other vegetation.

ARCHAEOLOGICAL RESOURCE — Human remains and objects, such as tools, bottles, dishes, seeds, and bones of prehistoric American Indian and historic American periods. Areas which contain these objects are also archaeological resources and include graves, wells, privies, trash pits, basements, and foundations.

ARCHITECTURAL STYLE — A classification characterizing buildings that share many common attributes, including similarity in general appearance, in the arrangement of major design elements, in ornamentation, in the use of materials and in form, scale and structure.

ARCHITECTURAL VALUE — A sum total of style, integrity or originality, antiquity, and craftsmanship as they relate to buildings or other structures.

ARRANGEMENT — The placement of materials into a harmonious order or into a correct or suitable sequence, relationship or adjustment.

AS ESTABLISHED — That which commonly exists or is in use and established in the adjacent or immediately surrounding area.

AUDITORIUM — That part of a theater, school or public building which is set aside for an audience for listening and viewing.

AWNING — A roof-like covering of canvas or similar material over a window, door, porch, deck or patio.

BALCONY — A projecting platform, either cantilevered or supported from below, enclosed with a railing or balustrade.

BALUSTER — One of a number of short vertical members used to support a balustrade or a handrail.

BALUSTRADE — A railing, including a top rail, balusters and usually a bottom rail.

BASEMENT — That portion of a building which is partly underground, but which has at least 50% of its interior height, measured from floor to ceiling, above the average finished grade of the ground adjoining the building.

BUFFER — That which lessens or minimizes the adverse effect of.

BUFFER AREA — A neutral area separating uses.

BUILDING — An enclosed and permanent structure, as distinguished from mobile structures.

BUILDING PERMIT — A permit granted by the County Codes Enforcement Officer, in compliance with the Building Code of New York State or the Residential Code of New York State, as appropriate.

BULK — The size and shape of building and nonbuilding uses, and the physical relationship of their exterior walls or their locations to lot lines and other buildings, or other walls of the same building, and all open spaces required in connection with a building. Bulk regulations deal with all matters relating to requirements for lot width, lot area, yard dimensions and height of structures.

BULKHEAD — A structure on the roof of a building covering a shaft or service equipment.

CANOPY — A covered area which extends from the wall of a building to protect an entrance.

CARPORT — A covered automobile shelter, with one or more sides open to the weather, associated with or attached to a dwelling.

CELLAR — That portion of a building which is partly or wholly underground, but which has at least 50% of its interior height, measured from floor to ceiling, below the average finished grade of the ground adjoining the building.

CERTIFICATE OF APPROPRIATENESS — A document evidencing approval by the Historic Preservation and Architectural Review Board of an application to make a change in the design, material, or outward appearance of a property located within the Historic Preservation and Architectural Overlay District.

CERTIFICATE OF ZONING COMPLIANCE — Certificate issued by the Zoning Enforcement Officer to confirm conformance of completed work with an approved zoning permit.

CHANGE IN DESIGN, MATERIAL OR OUTWARD APPEARANCE — An alteration that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature. Such changes include but are not limited to a reconstruction or alteration of the size, shape, or elevation of a historic property, including any of its architectural elements or details; demolition or relocation of a historic structure; commencement of excavation for construction purposes; or the erection, alteration, restoration, or removal of any building or other structure, including walls, fences, steps, or other appurtenant features, except exterior paint alterations or signage.

CHARACTER — All those visual aspects and physical features that comprise the appearance of a building, structure, property, neighborhood, or district. Character-defining elements of a building include its overall shape, scale, and height; the number and placement of openings (doors, windows); roof shape, configuration, and related features (dormers, chimneys); building materials and craftsmanship; architectural style, decorative trim and details, and other features; as well as the various aspects of site and environment. Character-defining elements of a neighborhood additionally include building setbacks, rhythm of spacing between buildings, geographic and landscape features, directional orientation of buildings, and presence (or lack) of outbuildings.

CLUSTER DEVELOPMENT — A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas. Wetlands and land with slopes greater than 15° cannot be used in the calculation to determine the number of clustered dwelling units permitted in the appropriate district regulations.

COMBINATION VEHICLES — An equipment configuration which includes a separate power unit (tractor) and at least one trailer. **[Added 2-28-2011 by L.L. No. 4-2011]**

COMMERCIAL PAID PARKING — A privately (i.e., nonmunicipally) owned area devoted to outdoor, off-street parking in approved parking spaces, other than accessory off-street parking spaces, where, for a charge or fee, five or more motor vehicles may be stored for the purpose of temporary or long-term parking. Notwithstanding the foregoing, house trailers, utility trailers, combination vehicles, construction equipment (i.e., dump trucks, backhoes, excavators, etc.), and nonregistered motor vehicles are not included in the definition of motor vehicles permitted to be parked in designated commercial paid parking areas and are therefore prohibited from parking therein. **[Amended 2-28-2011 by L.L. No. 4-2011]**

COMPARABLE — More similar characteristics than dissimilar.

COMPATIBILITY — When used in the context of the regulations for the Historic and Architectural Control Overlay (§ 300-26), materials and designs that can exist in close proximity without affecting each other detrimentally. Compatibility is achieved through careful attention to general design, scale, texture and composition of building materials, proportion, arrangement of openings for windows and doors, roof shape, setbacks, spacing of buildings, and character.

COMPENSATORY — That which offsets and/or counterbalances.

COMPENSATORY DEVICE — Design technique(s) employed to offset potential significant environmental, aesthetic, safety, health or welfare issues for a proposed project, and may include, but are not limited to, plantings, walls, fences, changes in elevation, curved internal roadways, curbing, wheel stops, or entrance/exit placement.

CONDOMINIUM — A form of real estate ownership of a multiunit residential dwelling, where each occupant has 100% ownership of his own apartment and partial ownership of common elements such as hallways, land and garages.

CONSERVATION — The overseeing and maintenance of a structure and/or lot to arrest its decay or destruction, usually by applying a variety of measures.

CONSTRUCTION — All the work performed in building and altering structures. "Constructing" means building and altering structures.

CONTRIBUTING — A building, site, structure or object adding to the historic character of the property, the neighborhood and/or the Village of Cooperstown.

CONVERSION — A change in the use of a building to another use which may be subject to different requirements.

COOPERATIVE — A form of real estate ownership of a multiunit residential dwelling by a nonprofit corporation which leases portions of the property to its stockholders.

CORNICE — A molded projection which crowns or finishes the part to which it is affixed.

COURT, OUTER — An open space enclosed on three sides by exterior walls of a building.

COURT, OUTER, DEPTH OF — The average dimension from the open side of the court to the opposite wall.

COURT, OUTER, WIDTH OF — The average dimension between the opposing sides of the court.

COVENANT — An agreement between two or more individuals, incorporated within a deed, which stipulates how land will be used.

DECK — A flat open platform, usually made of wood or wood composites, intended for relaxation and recreation.

DEED — A duly attested written document executed under seal and delivered to effect a transfer and conveyance of real property or interests therein.

DEMOLITION — The systematic destruction of a structure in whole or in part.

DENSITY — The quantity of buildings distributed over an area unit of measure, such as the number of buildings per acre.

DISREPAIR, SERIOUS — A condition which threatens the structural integrity of the building or structure, its weatherproofing, or the health and safety of its occupants. It includes but is not limited to the deterioration of exterior walls or other vertical supports, deterioration

of roofs, exterior floors or steps, or other horizontal members, deterioration of exterior chimneys, deterioration or crumbling of exterior stucco or mortar, ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors, or the deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition is necessary for the public safety.

DUSTLESS SURFACE — A driveway or parking area that does not emit airborne dust.

DWELLING — A place of abode, designed for or used as a residence.

DWELLING, MULTIPLE-FAMILY — A residence designed for more than two families, living independently of one another, with separate housekeeping facilities for each. For the purposes of this chapter, apartments, condominiums and cooperatives are considered multiple-family dwellings.

DWELLING, SINGLE-FAMILY — A detached residence designed exclusively for one family. For the purposes of this chapter, townhouses are considered single-family dwellings.

DWELLING, TWO-FAMILY — A detached residence designed exclusively for two families.

EASEMENT — A right of accommodation, for a specific purpose, in land owned by another, such as a right-of-way.

EASEMENT, FACADE — A voluntary legal agreement that protects an exterior elevation or elevations of a property. Under the terms of an easement, a property owner grants a portion of, or interest in, his/her property rights to an organization or municipality whose mission includes historic preservation. Once recorded, an easement becomes part of the property's chain of title, thus binding not only the owner who grants the easement but all future owners as well.

EAVE — That part of a roof which projects beyond the exterior wall, usually the lower edge of a sloped roof.

ELEMENTS, HISTORIC AND/OR ARCHITECTURAL — See "character."

ELEVATOR PENTHOUSE — See "bulkhead."

ERECTED — Construction members that have been hoisted, assembled and secured.

EXTERNAL FEATURES — The architectural style and general arrangement of the exterior elements of a structure.

FACADE — A building's vertical surfaces including all permanent architectural details.

FAMILY — One or more persons occupying a single housekeeping unit and using common cooking facilities, and related by blood or marriage or by a recognized legal bond, including but not limited to, adoption and foster-child/foster-parent relationships and domestic partnerships, and excluding combinations of individuals that include more than two persons unrelated to the remainder of the group.

FEATURE — A prominent or distinctive aspect, quality, or characteristic of a property that contributes significantly to its physical character. Features include but are not limited to the kind, composition, and texture of building materials, including roofing and siding, and the type, style, and material of all windows, doors, chimneys, trim, signs and other appurtenant architectural fixtures, details, or elements relative to the forgoing.

FENCE — A fence is considered a structure requiring a building permit under the terms of this chapter. See definition of "yard" for limitations of height and location.

FIELD CHANGE — A minor change or adjustment to an approved application/permit (or certificate of appropriateness), that will not substantially alter the intent, layout or design of the approved plan. Field changes require review by the Planning Board and/or Historic Preservation and Architectural Review Board, whichever is applicable.

FILLING STATION — Any premises where gasoline is dispensed from stationary exterior pumps, and other petroleum products are sold and/or dispensed.

GARAGE (COMMERCIAL) — A structure designed or used for service, maintenance, repair or other commercial activity in relation to automotive vehicles.

GARAGE (PRIVATE) — A structure designed and used for the parking of vehicles for the use of the residents of the dwelling to which the garage is accessory.

GROTESQUE — Unnaturally distorted, bizarre, absurd, ridiculously incongruous, ridiculously bad; departing markedly from the natural, the expected or the typical.

GYMNASIUM — A large room or building devoted to physical education or indoor games.

HABITABLE SPACE — A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

HARDSHIP — Where an owner of property has established that a property is incapable of earning a reasonable return as provided in § 300-26F and G of this chapter.

HARMONY — A pleasing relationship of style, architecture or use of a building to its surroundings.

HEIGHT — The vertical distance from the mean finished grade at the front of a structure to the horizontal projection of the highest structural part, excluding chimneys.

HISTORICALLY APPROPRIATE — Changes to a structure that respect its historical character and architecture and are compatible therewith.

HISTORIC BUILDING, STRUCTURE OR PROPERTY — Any building, structure or property recognized to have important historical or architectural significance which contributes to the character of the Village of Cooperstown. Such buildings, structures or properties are those that a) possess special character or specific historic or aesthetic interest or value as part of the political, cultural, economic, or social history of the Village; b) are identified with historic personages; c) are the work of a designer whose work has significantly influenced an age; d) are examples of a particular architectural style or mode of construction; or e) are part of a group of structures, buildings, or sites that are significant as a single,

identifiable entity, although their individual components may lack particular historic or architectural distinction or merit. Such term includes but is not limited to those buildings, structures or properties listed individually on the National or State Registers of Historic Places or as contributing resources within an historic district listed on the National or State Registers of Historic Places.

HISTORIC CHARACTER — The architectural style of a structure that relate it to its historical significance.

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 and real estate agents. Home occupations include the renting for long-term occupancy of not more than two rooms with not more than two persons per room. However, commercial stables and kennels, restaurants, funeral homes and mortuaries and tourist accommodations are not considered home occupations.

HOSPITAL — The term "hospital" shall be deemed to include sanitarium, clinic, adult home, nursing home, convalescent home, or any other facility used for the diagnosis, treatment, or other care of human ailments.

HOTEL — A building of two or more stories containing eight or more rooms which are offered to transient guests, where a general kitchen and public dining room may be provided within the building or in an accessory building, and having an owner of the building or an agent thereof in attendance on the premises at all times whenever one or more of said rooms are occupied by guests. Hotels are required to provide adequate off-street parking for guests.

INTEGRITY — The soundness of a building; for the purpose of historic preservation; additionally the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance.

LABORATORY — A place equipped and used for experimental study, research, analysis, testing or preparation in any branch of science.

LANDSCAPE — To improve the appearance of, as by planting trees, shrubs, flowers or grass or by altering contours of the ground.

LIGHT MANUFACTURING — Processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of previously prepared materials, or of finished products and parts.

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

LOT — A parcel of land that is described on a recorded plat or by survey.

LOT FRONTAGE — The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of "yards" in this section of this chapter below.

LOT MEASUREMENTS — The depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the front and the rearmost points of the side lot lines in the rear. The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width except in the case of lots on the turning circle of culs-de-sac, where the eighty-percent requirement shall not apply.

LOT OF RECORD — A lot, the legal description of which has been recorded in the office of the Otsego County Clerk.

MAINTENANCE AND REPAIR — Actions involving painting, roof repair or other similar minor repairs, not including structural alterations, changes in architectural details or changes in types of materials.

MEMORIAL — An architectural or sculptural object or a plaque commemorating a person or event.

MIXED OCCUPANCY — Use of a structure for both residential and business purposes. In a Business or Commercial District, single-family, two-family and multiple-family dwellings are permitted subject to the following criteria:

A. No exterior alterations or additions to existing buildings, except as necessary to provide for public safety;

B. All dwelling units to be above or below ground floor level with a minimum of 600 square feet of floor space for each; and

C. One appropriately located off-street parking space for each dwelling unit.

MOBILE HOME — A factory-built dwelling constructed on a chassis to facilitate its transportation to a building site. A travel trailer or recreational vehicle shall not be construed to be a mobile home. Factory-built homes which are permanently placed on foundations, which are commonly known as "modular homes" or "manufactured homes," are also not considered to be mobile homes.

MOBILE HOME PARK OR COURT — A parcel of land which has been planned and improved for the placement of four or more mobile homes for long-term occupancy.

MOBILE HOME SUBDIVISION — An area of land which has been subdivided into separate parcels and improved for the placement on each lot of a mobile home for long-term occupancy.

MONOLITHIC — An appearance of complete uniformity.

MOTEL — A building, part of a building or group of buildings, whether detached or in connecting units, comprising five or more individual sleeping units used primarily for transient guests and providing for accessory off-street parking facilities and having an owner of the building(s) or of the establishment or an agent thereof in attendance on the premises at all times whenever one or more of said sleeping units are occupied by guests.

MUSEUM — A not-for-profit institution chartered by the New York State Education Department and engaged in the acquisition, preservation, study and exhibition of works of artistic, historic or scientific value.

NATIONAL REGISTER OF HISTORIC PLACES — Structures placed on this list comply with the standards of historic significance of the Department of the Interior.

NEIGHBORHOOD — The surrounding area or vicinity; often a district, block or blocks, or locale with distinctive characteristics regarding land use, development, and/or architectural styles or features.

NONCONFORMING LOT — Land that does not now comply with the area or bulk regulations for the zoning district but which did comply with applicable regulations at the time such lot was established.

NONCONFORMING STRUCTURE — Any building that does not now meet the limitations on building size and/or location on a lot in the district in which such building is located, but which did meet existing limitations prior to the adoption, revision or amendment of this chapter.

NONCONFORMING USE — A use or activity which lawfully existed prior to the adoption, revision or amendment of this chapter, but which fails by reason of such adoption, revision or amendment to conform to the district in which it is located.

NONCONTRIBUTING — A building, site, structure or object that does not contribute to the historic significance of the Historic District.

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.

OPEN SPACE LAND — The designation given to parks, recreational or natural land or other land not to be occupied by buildings.

ORDINARY MAINTENANCE AND REPAIR — Restoration of an architectural or environmental feature to correct deterioration, decay, or damage, or to sustain the existing form, that does not involve a material change in design, material, or outer appearance. For purposes of this definition, changes in color are not considered a material change in design, material, or outer appearance except where colors of material that cannot be subsequently changed is involved such as the color of brick or stonework.

OVERLAY DISTRICT — A mapped zone that imposes a set of requirements in addition to those of the underlying zoning district. In an area where an overlay district is established, property is placed simultaneously in two districts, and the property may be developed only under the conditions and requirements of both districts.

OWNER — The person, persons or organization that appears on the deed recorded in the office of the Otsego County Clerk. In addition, with respect to tourist accommodations, the individual that satisfies the owner-occupancy provision shall have at least 25% ownership in the property.

OWNER-OCCUPIED — An owner must be present in a tourist accommodation at all times when guests are present. A tourist accommodation may designate an individual to be the agent of the owner(s) in the case of emergencies; the name of such agent must be provided to the Zoning Enforcement Officer.

OWNER-OPERATED — With respect to tourist accommodations, an owner must be in full control of its operations whenever guests are present. An owner may employ individuals to carry out portions of the operations such as housekeeper, breakfast cook or server, etc., but these individuals must be directly responsible to an owner.

PARAPET — A low guarding wall or any point of sudden drop as at the edge of a terrace, roof, or balcony.

PARCEL — A contiguous land area which is considered as a unit, which is subject to single ownership and which is legally recorded as a single piece.

PARKING SPACE, OFF-STREET — An off-street parking space shall comprise an area of at least nine feet in width and at least 20 feet in length. Every off-street parking space shall be accessible from a public way. Necessary maneuvering space must be provided and such maneuvering space shall not encroach upon a public way.

PATIO — Any outdoor living space that is adjacent to a building usually made of brick, stone or concrete.

PAVING — See "dustless surface."

PERSON — Any individual or individuals, partnership, proprietorship, company, corporation, association, nonprofit or for-profit entity of any kind or type.

PLAT — A map, plan or chart of a municipality indicating the location and boundaries of individual properties.

PLOT — Parcel of land consisting of one or more lots or portions of lots which are described by reference to a recorded plat or by survey.

PORCH — An exterior structure that shelters a building entrance and/or that extends along the outside of a building, usually roofed and generally open-sided but may also be partially enclosed, screened or glass-enclosed.

PRESERVATION —

A. With respect to a historic property, the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.

B. With respect to neighborhood character, the retention of the significant features that established a particular character of a neighborhood.

PROPERTY — A parcel of real property located in the Village of Cooperstown. When not otherwise specifically described or limited, said term includes any buildings, structures and other improvements located thereon.

PROPORTION — A satisfactory relationship and balance of architectural features as they relate to one another in terms of size, shape and texture.

PUBLIC PARKS AND PLAYGROUNDS — **[Amended 7-18-2011 by L.L. No. 6-2011]**

A. Land in public ownership set aside for public use which may or may not have been developed for recreational facilities such as playgrounds, tennis courts, horse and bike trails, baseball fields, picnic areas, swimming areas and lavatories; or

B. In R-1A Zones, only land owned or leased and operated by a not-for-profit entity [501(c)(3)] as an outdoor recreational facility such as an athletic field(s) and structures and uses directly related thereto (lavatories, parking areas, etc.) in which the facility is operated generally for the benefit of the public.

PUBLIC UTILITY STRUCTURE — A structure used for, or in connection with, the transmission, distribution, or regulation of water, sewer, gas, electric, telephone, or other public utility service.

REASONABLE — That which is logical, not excessive, evidences common sense and fairness.

REASONABLE RETURN — An economic return on an investment which falls within a range that is neither confiscatory nor unduly profitable.

RECONSTRUCTION — Reproducing by new construction the exact form and detail of a deteriorated or missing part.

REHABILITATION — Returning of a building to a useful state through repair, preservation, alteration or modification.

REMOVAL — The permanent deletion of materials from a structure.

RESIDENCE — A structure, or portion of a structure, that is occupied by its owner or rented to a family for a period of 30 consecutive days or more.

RESTORATION — The accurate reestablishment of the form, materials and details of a building, as it appeared at a particular time. May require the removal of later work or reconstruction of earlier work which had been removed.

RETAIL STORES AND SHOPS — Any building or portion thereof in which one or more services or one or more articles of merchandise are sold at retail. Retail outlets in which light manufacturing or processing are incidental to the sale of goods or services on the same premises are included in this definition. Exterior lots for the display and sale of vehicles, heavy equipment or manufactured housing are excluded from this definition.

ROADSIDE STAND — See Chapter 277, Vending, Peddling and Soliciting, of the Code of the Village of Cooperstown.

SATELLITE ANTENNA — A parabolic antenna intended to receive signals from orbiting satellites and other sources.

SCALE — Relationship of parts to one another. See "proportion."

SCREENING — That which shelters, protects or conceals an area or object(s).

SEQRA — New York State Environmental Quality Review Act.[15]

SETBACK — Same as a required yard, or the minimum distance between a structure and a point of reference such as the lot line or street line.

SIGN — See Chapter 227, Signs, of the Code of the Village of Cooperstown.

SITE DEVELOPMENT PLAN — A drawing, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all structures, uses and principal site development features proposed for a specific parcel of land.

SPECIAL 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.

STEEP SLOPE — Gradient of 15% or more.

STREET LINE — The curbline of a public street. Where no curb exists, the outermost edge of the paved surface is considered the street line.

STRUCTURALLY ALTERED — The load-bearing members of a building have been changed.

STRUCTURE — Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, signs and billboards.

STUDIO — The workroom of an artist or artisan.

STYLE — See "architectural style."

SUBDIVISION — The division of any parcel of land into two or more lots, plots, sites or other divisions of land for immediate or future sale or for building development. Refer to Chapter 245, Subdivision of Land, of the Code of the Village of Cooperstown.

TERRACE — An embankment with a level top, often paved or planted for leisure use, or a flat roof or raised space or platform adjoining a building.

TEXTURE — The visual or tactile surface characteristics and appearance of materials.

THEATER — A place of assembly for the showing of motion pictures, films or videos, or for the production of plays and special events.

TOURIST ACCOMMODATION — Any single-family, two-family or multiple-family dwelling within which overnight accommodations are provided for or offered to transient guests for compensation. Motels and hotels are excluded from this definition.

TOWNHOUSE — One of a series of two or more houses constructed in an unbroken row, separated by common or party walls. Land located directly beneath the townhouse is in the

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15. Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

same ownership; land around the townhouse may be in the same ownership or in common ownership with other townhouse owners and subject to association care and maintenance.

TRANSIENT GUEST(S) — Individuals or families who occupy overnight accommodations for compensation for a period of less than 30 consecutive days.

TRELLIS — Same as "arbor."

TRUNK DIAMETER — The diameter of a tree measured at four feet above the ground.

USE — The specific purpose for which land or a building is used or occupied.

VALUE, TRUE — The value of a property as calculated by applying the official equalization rate to the assessed value.

VARIANCE — A relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the law would result in unnecessary and undue hardship.

VILLAGE BOARD OF TRUSTEES — The governing body of the Village, as detailed in the Village Law, Chapter 64 of the Consolidated Laws of New York.

VILLAGE CODES OFFICIAL — Same as "Village Zoning Enforcement Officer."

VILLAGE PLANNING BOARD — The Board created by the Village Board of Trustees and empowered by it to perform the duties of a Planning Board as specified in Article 7 of the Village Law, Chapter 64 of the Consolidated Laws of New York.

VILLAGE ZONING BOARD OF APPEALS — The Board created by the Village Board of Trustees and empowered by it to consider and approve variances and certain special permits, and to make interpretations of this chapter, and to review challenges to decisions of the Village Zoning Enforcement Officer.

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.

WALL — An outside structure, similar to a fence, but usually constructed of stone or brick.

WAREHOUSE — A building, or portion thereof, designed or used for the storage of goods, merchandise, supplies or other commodities.

WETLANDS — Land forms referred to as "swamps," "marshes," "wet meadows," "lakes," "ponds" and "streams" that have specific types of vegetation and soil types associated with them. See New York State Department of Environmental Conservation.

WHOLESALE ESTABLISHMENT — A building or buildings, or portion(s) thereof, used as a distribution center for the sale of goods, in particular to retailers, in large quantities.

YARD — A required open space unoccupied and unobstructed by any structure or portion of a structure from:

A. 48 inches above the general ground level of the graded lot upward in a front yard; or

B. 48 inches above the general ground level of the graded lot upward in side or rear yard(s), which limitation may be increased to no more than 96 inches upon filing with the Codes Official 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 shall 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.)

YARD, FRONT — A yard extending between side lot lines across the front of a lot. In the case of corner lots with two or more frontages, the Codes Official shall determine the front yard requirements such that at least one front yard shall be provided having the full depth required in the zoning district while the other front yard shall have at least half the full depth required. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines, which, in the case of rounded property corners at street intersections, shall be presumed to be the point at which the side and front lines would have met without such rounding. Front and rear yard lines shall be parallel.

YARD, SIDE — A yard extending from the rear line of the required front yard to the rear lot line. Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

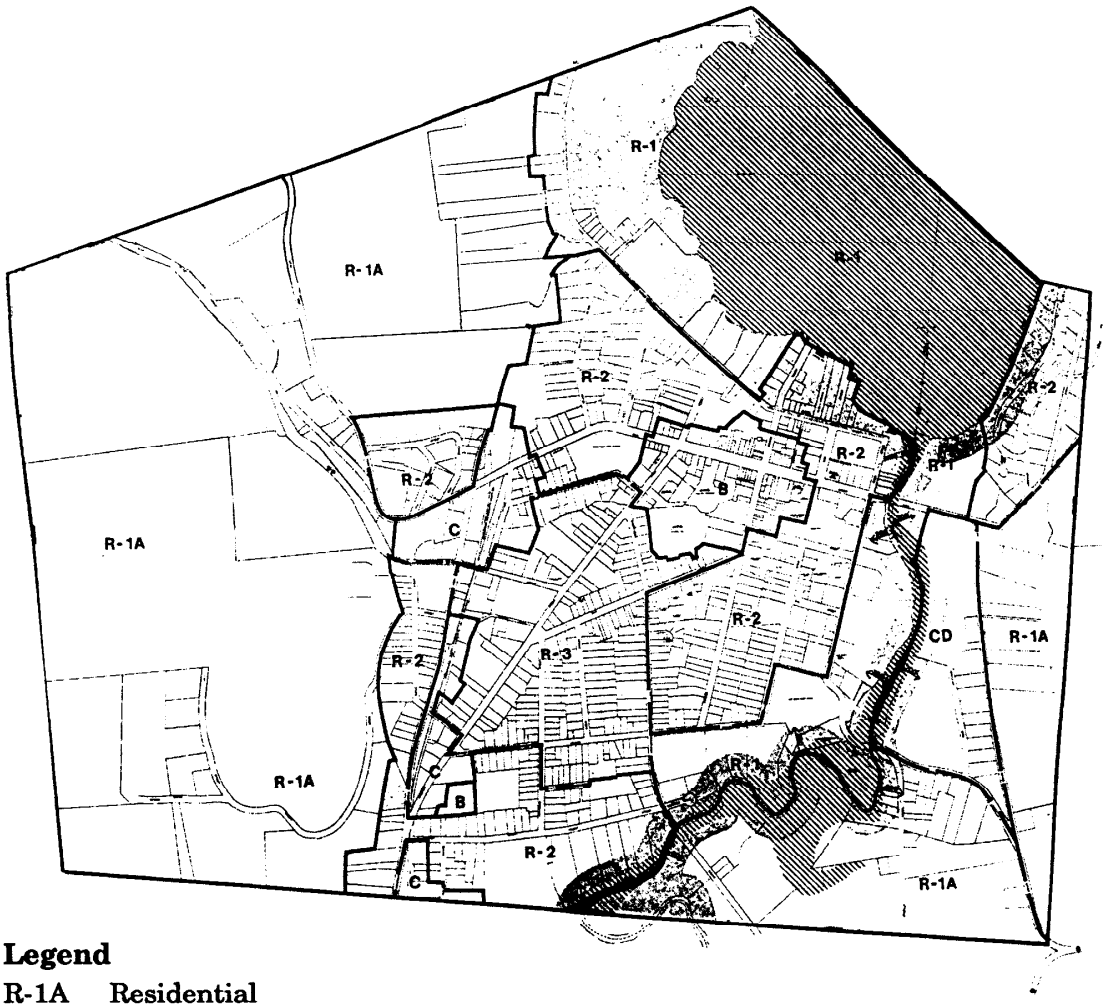
YARD, REAR — A yard extending across the rear of the lot between inner side yard lines. In the case of corner lots with formal frontage, the rear yard shall extend from the inner side yard line of the side adjacent to the interior lot to the rear line of the half depth front yard. Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required yard shall be parallel to the straight line so established.

ZONING PERMIT — A permit granted by the Village Planning Board and/or the Village Zoning Board of Appeals and/or the Village Board of Trustees and issued by the Village Zoning Enforcement Officer, in compliance with this chapter. 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.

300 Attachment 1

Village of Cooperstown

Zoning Map



Legend

R-1A	Residential
R-1	Residential
R-2	Residential
R-3	Residential
B	Business
C	Commercial
CD	Coordinated Development
	Waterfront Development Overlay
	Flood Hazard Overlay