

TOURIST ACCOMMODATIONS

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If you are seeking a permit to operate a Tourist Accommodation (also known as a Tourist Home, Guest House or Bed and Breakfast), these are the things you need to know:

You will be applying for a Special Permit. Tourist Accommodations in residential districts of the Village are considered businesses. Special care must be taken to be certain that these businesses do not interfere with the rights of others to enjoy their own property or to affect the value of their property negatively. Such things as excessive noise, increased traffic, high intensity lighting, etc., can have a detrimental effect on nearby property owners. Therefore, detailed application procedures and regulations have been carefully crafted to grant these Special Permits in a manner that is fair to all.

APPLICATION PROCEDURES

1. Obtain ZEO-1, Application for Zoning Permit from the Village Clerk's Office, carefully complete both sides, sign it and return it with the \$25.00 application fee.
2. Along with the application, submit a plot plan showing the exact dimensions of your property. You can obtain a plot plan from the County Real Property Tax Office. On the plan, draw your home to scale with dimensions. Do the same for any accessory building on your property. Measure and show on the plot plan the exact distances of these structures to the front, rear and side property lines and to each other. Also indicate the structures on the adjacent properties to both sides and to the rear and their approximate distances to your property.
3. On the plot plan or on a separate piece of paper, show your plan for parking and circulation of vehicles on the property (See the regulations below for parking). A legal parking space is 180 square feet, usually 9 feet x 20 feet. Carefully measure all of the distances from the proposed parking spaces to all buildings and property lines. Also indicate your plans for exterior lighting (See the regulations below for lighting).
4. Include a diagram of the interior of your home. Carefully measure all of the rooms, note the dimensions and function of each room, clearly indicating the room(s) you wish to rent to tourists.
5. The Village Zoning Enforcement Officer will review your application to be sure it is complete. He will schedule an inspection of your property to make certain there aren't any other factors that should be taken into account that are not reflected on the application.
6. The County Codes Enforcement Officer will also schedule an inspection of your property to determine if it complies with the Residential Code of New York State.
7. The Village Zoning Enforcement Officer will schedule your application on the agendas of the Village boards that are required to approve your application. You will first meet with the Village Planning Board. The Village Planning

Board meets on the 2nd and 4th Tuesday of each month, at 4:30 P.M.. It is suggested that you attend the meeting personally. The Village Planning Board has the responsibility for reviewing your parking and circulation plan and your exterior lighting plan to ascertain if they comply with the Village regulations. It will also review your entire application before sending it on to the Village Zoning Board of Appeals.

8. It is advisable that you personally appear at the meeting before the Village Zoning Board of Appeals. It meets on the first Tuesday of each month, at 5:00 PM. Your first meeting will be a preliminary one to review your application in greater detail. The Village Zoning Board of Appeals has the responsibility to approve or deny Special Permits of this nature. After the preliminary review, they will schedule a public hearing, which is required by law. The time, date and nature of the public hearing will be published in the newspaper(s). You will be responsible for providing a list of the names and addresses of the property owners within a distance of 400 feet of your property. The Village Zoning Enforcement Officer will then notify all of those individuals on the list in writing, indicating the time, date, location and nature of the public hearing.
9. At the public hearing, any interested party shall have an opportunity to be heard. Following the public hearing, the Village Zoning Board of Appeals may vote on your application. If they approve your application, the Village Zoning Enforcement Officer will issue a permit. The permit will have certain conditions that were stipulated in the Board's motion, such as the number of rooms you are permitted to rent. You will be required to pay the annual fee of \$100.00 for each approved room. Your permit will have a one year term. It may be renewed for additional one year terms upon payment of the annual fee of \$100.00 per room and as long as certain conditions are met (see Regulations).

REGULATIONS

These regulations are intended to provide reasonable amounts of transient guest accommodations but also to preserve the availability of residential housing units and to maintain the essentially residential character of the Village.

1. Tourist Accommodations are permitted with a valid Special Permit in all districts except R-1A.
2. You must be the legal owner of the property; you must occupy the principal structure as your primary residence; you are not allowed to move your quarters into a garage or barn so that you can rent more rooms in the principal structure. You are expected to be on site while tourist rooms are being occupied.

3. You must manage the tourist accommodation business. You are not allowed to hire a manager. You are allowed to hire staff, such as housekeepers or chamber maids, so long as you control them directly.
4. You are responsible for the behavior of your guests while they are on your property, which is the reason why these businesses are only permitted in owner-occupied homes.
5. The Village of Cooperstown Noise Pollution Law holds property owners responsible for excessive noise from their guests.
6. The Village Planning Board must approve a detailed parking and traffic circulation plan. You must provide two (2) legal parking spaces (9 feet x 20 feet) for your use plus one (1) legal parking space for each room you intend to rent to transient guests. These spaces may be enclosed as in a garage or carport, or completely in the open, but all spaces must be off the street and on your property. None of the required spaces may be located in the required yards to the sides or rear. These required yards are sometimes referred to as "setbacks" and they are the open spaces you must maintain as buffer areas between you and your neighbors. However, existing garages already located in a required yard may be used in the parking plan. Additionally, no parking spaces are permitted forward of the front façade of the principal structure.
7. The traffic circulation plan must clearly show that cars parked in the required parking spaces will each have clear egress to the street without the necessity of moving any other cars. If practical, a turnaround area should be provided to preclude the need for backing out onto the street. Existing driveways, except for shared driveways, may be used to provide egress as long as it is at least ten (10) feet wide. Shared driveways cannot be used for egress in the traffic circulation plan. You are required to pave the parking spaces with gravel or crushed stone as a minimum. Finally, you must maintain the parking space(s) for guests open and available for them at all times the Tourist Accommodation is open.
8. You may serve the breakfast meal to your guests but not to the general public. You may not serve other meals. Afternoon snacks and beverages are not considered meals.
9. You may not host events on your property for a fee. You are permitted to host open house tours, but no more than twice per year.
10. Rooms utilized for guest sleeping rooms must be part of the primary structure. You are not permitted to specifically construct spaces for rental purposes.
11. You are required to provide at least 120 square feet of space, exclusive of closets and baths, for a sleeping room for two (2) guests. Occupancy by more than four (4) persons in any sleeping room is not permitted.
12. You must have any exterior lighting plan approved by the Village Planning Board. Your property cannot be illuminated with floodlights. External lighting should be provided for the safety of your guests, such as around drives, walks and parking areas, but shielded lighting fixtures must be used. All but necessary security lighting must be extinguished by 11:00 pm.

13. You are permitted up to six (6) square feet of signage but you must apply for this separately.
14. The operation of your Tourist Accommodation shall be clearly secondary and incidental to the use of the structure as your primary residence. Generally, if the square footage of the space rented to transient guests is less than 50% of the total useable square footage of the structure, it is considered secondary and incidental.
15. The operation of a Tourist Accommodation and its associated parking, traffic, noise, and lighting, cannot interfere with the neighbors' rights to enjoy the residential character of their property. This can be difficult to measure and is the main reason a public hearing is required. The Village Zoning Board of Appeals is required to listen to comments from interested parties in making this judgment. If the public can make a logical argument that a proposed Tourist Accommodation will not be in harmony with its surroundings and in fact detrimental to its site or to its adjacent properties, this could be sufficient to deny the application. The Village Zoning Board of Appeals is also required to consider the density of the surrounding area in determining whether the location, size and character of the proposed Tourist Accommodation is in harmony with its surroundings. It must consider the lot sizes, the distances between your structure(s) and neighboring structures, the amount of open space, the street width, the parking regulations in effect and the traffic patterns.
16. The Village Zoning Enforcement Officer and the County Codes Enforcement Officer will inspect your property prior to each annual renewal of your permit to insure compliance with the conditions of your permit and the Residential Code of New York State. Renewals are conditional upon favorable outcome of such inspections. The Village Zoning Board of Appeals may deny renewal without such favorable inspections; It may also deny renewal if a signed complaint has been received and the Tourist Accommodation has, in its opinion, had an adverse effect on the quality of life in the surrounding neighborhood.
17. Both the Village Zoning Enforcement Officer and the County Codes Enforcement Officer have the right to conduct unannounced inspections when investigating a signed complaint.
18. The Village Zoning Board of Appeals may also terminate a permit during its term if it is found that the establishment has been in material breach of the terms of the permit or other conditions of the law.
19. Violations of the Zoning Law, which govern these Special Permits, are considered serious and carry with them sizeable fines, imprisonment or both.

DISCLAIMER: This is intended to be a plain language guide of information for applicants. It is not a substitute for the Zoning Law of the Village of Cooperstown and in the event of any unintended contradiction, such law will prevail.