

LOCAL LAW NO. 5 OF YEAR 2019

Be it enacted by the BOARD OF TRUSTEES of the

Village of WATKINS GLEN, COUNTY OF SCHUYLER, as follows:

A LOCAL LAW TO AMEND THE ZONING CODE OF THE VILLAGE OF WATKINS GLEN, NY

Section 1. This Local Law is enacted pursuant to the Village Law of the State of New York and the Municipal Home Rule Law of the State of New York.

Section 2. The purpose of this Local Law is to amend Local Law No. 4 of 2016, as amended, to provide for a temporary moratorium on the growth of short-term rentals (STR's) in the Village pending the development and adoption of one or more local laws designed to regulate and govern the growth of short-term rentals in the Village. This Local Law is a land use regulation.

Section 3. This Local Law shall supersede and suspend those provisions of the Zoning Ordinance of the Village of Watkins Glen and New York State law which require the Planning Board and/or the Village Code Enforcement officer to accept, process and approve certain land use applications within certain statutory time periods.

Section 4. The Village Board has made the following legislative findings:

- A. It is necessary to enact a moratorium for a reasonable timeframe to permit the Village adequate time to draft suitable land use regulations governing the growth of short-term rentals, which regulations will benefit the Village as a whole.
- B. There is a valid public purpose in the adoption of such a moratorium because if the Village allows unrestricted growth of short-term rentals, the goals of the Village Comprehensive Plan will be undermined and the general nature of the community may be dramatically changed.
- C. Because of the potential of unrestricted growth of short-term rentals to change the general nature of the community, the advantages to the community at large in adopting the moratorium greatly outweigh any potential hardships to landowners.
- D. A period of twelve (12) months from the effective date of this Local Law will provide the Village a reasonable amount of time to develop and adopt local laws designed to regulate and govern the growth of short-term rentals in the Village, but such time is no longer than absolutely necessary for the municipality to develop and adopt such local laws.

Section 5. Local Law No. 3 of 2018, as amended, is hereby amended to add the following new Section 9.34.7:

9.34.7 Temporary Moratorium on Issuance of Short-Term Rental Approvals.

- A. Notwithstanding any other provision of the Zoning Code to the contrary, beginning on the effective date of Local Law No. 5 of 2019, and continuing until the earlier of: (1) a date which is twelve (12) months from the effective date of Local Law No. 5 of 2019; or (2) the effective date of a Village Board resolution stating that the need for the moratorium contained in this Section 9.34.7 no longer exists, no application for a permit, short-term rental permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Village-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Village of Watkins Glen, for the construction, establishment, or use of operation of any land, body of water, building, or other structure located within the Village of Watkins Glen for a short-term rental.
- B. This moratorium and prohibition shall apply to all real property within the Village of Watkins Glen, and all land use applications for the siting or creation of short-term rental units within the Village of Watkins Glen.
- C. Under no circumstances shall the failure of the Village Board of Watkins Glen, the Zoning Board of Appeals of the Village of Watkins Glen, the Planning Board of the Village of Watkins Glen, or the Code Enforcement Officer for the Village of Watkins Glen to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate, or other Village-level approval referred to in Section 9.34.7 above constitute an approval of any application therefor.
- D. Notwithstanding the above, nothing contained in this Section 9.34.7 shall prevent the Village or any of its boards, agencies or representatives from modifying any approval referred to in Section 9.34.7(A) if such valid approval was issued prior to the effective date of this Section 9.34.7, except that no such modification of an existing approval shall result in a more intensive use of the building, structure or premises to which such approval relates.
- E. Nothing contained in this Section 9.34.7 shall be deemed to prevent the reconstruction of a building, structure or premises used as a short-term rental in the event of casualty or act of God, provided that, as of the effective date of this Section 9.34.7, such building, structure or premises had been legally used for a short-term rental, and further provided that any reconstruction shall be substantially similar in physical dimension, area coverage and location to the building, structure or premises which existed prior to said reconstruction.

F. During the stated term of this legislation, unless the stated term hereof shall be modified or abridged by the Village Board, this moratorium shall supersede any contradictory local law, ordinance, regulation or Zoning Code provision.

G. If a landowner desires to apply for relief from the restrictions imposed by this Section 9.34.7, such landowner shall make such application under Article 11 of the Zoning Code.

Section 6. The invalidity of any section, clause, sentence, or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts;

Section 7. This Local Law shall take effect immediately upon filing with the New York Secretary of State.