

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
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ALBANY, NY 12231-0001
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KATHY HOCHUL
GOVERNOR
ROSSANA ROSADO
SECRETARY OF STATE

October 15, 2021

RECEIVED

OCT 21 2021

VILLAGE OF WATKINS GLEN

Village Clerk
Village of Watkins Glen
303 N. Franklin Street
Watkins Glen NY 14891-1202

RE: Village of Watkins Glen, Local Law 5 2021, filed on October 12, 2021

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

Local Law Filing

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

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

County City Town Village
(Select one.)

of Watkins Glen

Local Law No. 5 of the year 2021

A local law to Amend the Zoning Code of The Village of Watkins Glen, NY
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Watkins Glen as follows:

- 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 extend the temporary moratorium on the growth of short-term rentals (STR's) per Local Law No. 5 of 2019, Local Law No. 5 of 2020 and Local Law No. 4 of 2021 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 extend the moratorium for a reasonable time-frame 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 extension 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.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- 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 extending the moratorium greatly outweigh any potential hardships to landowners.
- D. An additional 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. 4 of 2021, Section 9.34.7 is hereby amended as follows:

9.34.7 Extension of 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 2021, and continuing until the earlier of: (1) a date which is twelve (12) months from the effective date of Local Law No. 5 of 2021; 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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2021 of the ~~(County)(City)(Town)~~ (Village) of Watkins Glen was duly passed by the Board of Trustees on October 5 2021, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Lonnie M. Chelton

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 10/7/21

(Seal)