

02-24-2023

# Short Term Rental - STR PRELIMINARY DRAFT - NOT FOR PUBLICATION

## PROPOSED CHANGES TO THE TOWN OF CLARENDON ZONING ORDINANCE

### ARTICLE II - WORD TERMS AND DEFINITIONS

SHORT TERM RENTAL (STR)- A dwelling unit or portion thereof that may or may not be occupied by the owner of record or their immediate family that is offered or provided to a guest by a short-term rental for a fee for no more than thirty (30) consecutive nights. They are a form of tourist or transient accommodations that may also include property offered by or booked through online accommodation marketplace platforms such as Airbnb, Vrbo, etc. Note: For the purpose of administration and enforcement of this title, the terms “overnight rental,” “nightly rental,” and “vacation rental” are interchangeable with short-term rentals.

DWELLING (RENTAL UNIT) - A building where any portion of the dwelling unit is rented to any person or entity for a period less than thirty (30) consecutive nights and complies with all requirements of this regulation. **Note:** Licensed hotels, motels, and Bed-and-breakfast inns are explicitly excluded from this definition.

BED AND BREAKFAST (typically shortened to B&B or BnB) - An accommodation located in a dwelling consisting of a room for the night and breakfast the next morning for one inclusive price.. Bed and breakfasts are often private family homes and usually has the hosts living in the dwelling

### ARTICLE VII SUPPLEMENTARY REGULATIONS GOVERNING SPECIAL USE PERMIT USES

Section 719 Short Term Rental (STR)

#### A. PURPOSE

The Town Board of the Town of Clarendon, New York has determined that Short Term Rental (STR) units are a benefit to the Town of Clarendon, its residents, and the general

public. These supplementary regulations are designed to Protect the health, safety and welfare of its citizens and visitors and to minimize adverse impacts to the Town of Clarendon.

## **B. DIMENSIONAL REQUIREMENTS**

The minimum lot size, frontage and setback requirements shall conform to the specifications set forth in the specific Zoning district in which the SRT is located.

## **C. GENERAL**

1. Short Term Rental (STR) establishments shall be allowed in the Residential/Hamlet District (RH), Residential/Agricultural District (RA) and the Business/Commercial District (BC).
2. Short Term Rental (STR) establishments shall require a special use permit and are subject to all requirements of this section. See Article III, section 302, Application procedures for Special Permits.
3. The Short Term Rental (STR) shall be either owner occupied or owner supervised.
4. The building proposed for occupancy as a Short Term Rental establishment shall contain no more than four lodging rooms for hire.
5. No more than two (2) persons are allowed to occupy each lodging room
6. No paying guest shall stay on one visit for more than thirty (30) consecutive days.
7. The dwelling shall not be altered in a manner which would cause the premises to differ from its residential character,
8. No Short-Term Rental establishment shall be permitted where access is provided by a shared driveway unless clearly specified in a joint use driveway agreement..
9. Off-street parking shall be provided as follows: at least two spaces shall be provided by the family residing on the premises, plus not less than one additional space for each lodging room. No such parking space shall be located in the front yard area, outside of an approved driveway, and each space shall be not less 10 feet by 20 feet in size. **No recreational vehicles, campers, trailers, or motor vehicles larger than a one-ton pickup truck, other than trailers for boats or jet skis to be launched at nearby ramps, may be parked on the premises during any transient accommodation. Automobiles, light duty (pickup) trucks, and/or boat and jet ski trailers in association with any transient accommodation may be parked on site in designated off-street parking areas. No vehicles shall be parked on lawns or in other areas not specifically approved as parking areas under the provisions of this ordinance.**
10. The dwelling may display a sign not to exceed six (6) square feet in size and shall be set back from the street right-of-way line a minimum of 10 feet.
11. No meals shall be provided. (Breakfast is allowed for B&B)

12. The Planning Board shall specify the minimum amount and location of landscaping and buffer screening to ensure that the use does not create a nuisance for adjoining property owners.
13. Subleasing or subletting of units for short- term rental is prohibited.

**D. OPERATIONAL REQUIREMENTS**

1. The structure proposed for use as a Short Term Rental establishment shall meet the requirements of the NYS Uniform Fire Prevention and Building Code.
2. Each rental unit in a Short Term Rental establishment shall maintain a working smoke detector and a working carbon monoxide monitor , which shall meet the requirements of the NYS Uniform Fire Prevention and Building Code.
3. Each rental unit in a Short Term Rental establishment shall have clearly defined exit routes posted.
4. During the short term rental the owner, his agent, or a local contact person designated by the owner shall be available at all times to respond to complaints regarding the condition, operation, or conduct of the occupants of the rental unit.
5. The owner of the rental unit shall conspicuously post contact information for the owner, agent, or contact person as well as any specific rules pertaining to the occupancy.

**E. SPECIAL USE PERMIT**

1. Any special use permit application for a Short Term Rental establishment shall require site plan review by the Planning Board (Article IX)
2. The Ordinance Inspection Officer (OIO) shall be authorized, after inspecting a Short Term Rental establishment for compliance with the requirements of the NYS Uniform Fire Prevention and Building Code and payment of the appropriate fees, to issue a Special Use Permit to the owner (s) of the Short Term Rental establishment.
3. Duration of permit. A Special Use Permit for the Short Term Rental establishment shall be valid for one (1) year.
4. Expiration of existing Special Use Permit. Within 30 days of the expiration of an existing permit, the owner of a Short Term Rental establishment desiring to renew said Special Use Permit, shall file an application for renewal with the Ordinance Inspection Officer (OIO).
5. Any Short Term Rental establishment which has not operated as such for a period of 12 months or longer must reapply for a new special use permit.

**F. VIOLATIONS AND PENALTIES**

1. Refer to Article I, GENERAL PROVISIONS, Section 105

**G. ACTIONS**

1. Refer to Article I, GENERAL PROVISIONS, Section 106