

## §100-42.1 Short-Term Transient Rentals

- A. Purpose. With the increase in tourism over the past several years in the Town of Lloyd and adjacent areas, there has been an increase in the number of property owners renting to tourists on a short-term transient basis. Many residents list their properties as short-term transient rentals on web-based booking sites. Short-term transient rentals (STRs) offer benefits to property owners and residents in the town such as increased income; however, STRs also create potential health, safety, and quality of life detriments to the community. In recognition of the widespread popularity of STRs and in recognition that many such rentals are already operating in the town, the purpose of this local law is to regulate the safety and use of STRs in line with the goals of the Town Comprehensive Plan.

The following local law imposes mandatory regulations and requirements on all Town of Lloyd property owners that rent or propose to rent their property on a short-term transient basis. The purpose of such regulations and requirements are to assure that the properties being rented meet certain minimum safety and regulatory requirements which are proportional to those imposed on similar uses such as beds and breakfasts, inns, motels, and hotels; thereby protecting the property owners, the occupants of such housing and the residents of the Town of Lloyd.

- B. Authorization. This Local Law is adopted in accordance with Article 16 of the Town Law of the State of New York which grants the Town of Lloyd the authority to enact local laws for the purpose of promoting the health, safety, and welfare of the Town, and in accordance with Municipal Home Rule Law, Article 2, Section 10, that gives the Town of Lloyd the power to protect and enhance its physical environment. The Town Board authorizes the Planning Board of the Town of Lloyd to issue Special Use Permits to property owners to use their properties as STRs per the provisions of this local law. The Building Department may, thereafter, issue STR permits, for such approved uses. Applications for a permit to operate a STR shall be processed under the procedures set forth in the Zoning Code and this local law.
- C. Zoning. The STR use of a property shall only occur as an accessory use to an existing or proposed single-family or two-family dwelling in the A, R2, R1, R1/2, R1/4, and CB zoning districts, subject to a Special Use Permit issued by the Planning Board and a STR permit. No STR use may occur on a vacant parcel.
- D. Density. where the parcel is located. unless they are pre-existing nonconforming structures. New Short Term Rental units shall meet density and setback requirements for the zoning district.
- E. Prohibitions. The following parcels shall be prohibited from being issued permits to operate short-term transient rentals.
- (1) Parcels utilized for multifamily dwelling units.
  - (2) Parcels utilized for commercial or industrial purposes.
  - (3) Vacant property which does not contain a residential dwelling unit.
- F. Definitions. As specifically apply to this subsection:

Access - The place, means, or way by which pedestrians and/or vehicles shall have safe, adequate, and usable ingress and egress to a property, structure, or use.

Camping - The use of a property as a site for sleeping outside; or the parking of travel trailers or similar equipment, the erection of tents or other shelters, to serve as temporary residences.

Density - The number of individual dwelling units per unit of land.

Dwelling Unit - A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit.

Existing Short-Term Transient Rental – A short-term transient rental, as defined herein, which is lawfully in operation as of December 31, 2022.

House Rules - A set of rules that applies to renters of STRs while occupying the unit.

Local Manager - The person specifically named on the application and permit that is responsible for the day-to-day operation of the STR, and who may be contacted, day or night, if there is a problem at the STR. The local manager may be either the owner or an agent of the owner. The local manager must reside within thirty (30) miles of the Town of Lloyd Town Hall.

New Operating Short-Term Transient Rental – A Short-Term Transient Rental not in operation prior to December 31, 2022

Non-Owner Occupied – A STR unit that does not qualify as owner-occupied.

Owner Occupied – A STR unit that is the primary residence of the owner for at least 180 days in the calendar year, or the owner is present in the dwelling or is present on the same parcel while the residence is being used as a short-term rental.

Primary Residence – A person’s domicile where they usually live in the Town of Lloyd, whether on a full-time or part-time basis for at least 180 days in the calendar year, typically a house including any habitable accessory structures on the same property.

Rental - An agreement granting use or possession of a residence, in whole or in part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration.

Rented in Part – An STR in a Primary Residence, as defined above, that is being occupied in part by the owner and in part by STR guest(s), simultaneously.

Rented in Whole – An STR in a dwelling unit that is being occupied entirely by STR guests for the rental duration.

Secondary Dwelling Unit (SDU) – An attached or detached secondary residential dwelling unit that shares the building lot of a larger, primary home, including having separate cooking and sanitary facilities.

Short-Term Transient Rental (STR) - The use of a parcel for the rental or lease of any or part of any residential use single family and two-family dwelling unit, for a period of less than thirty (30) days.

The STR may occur within an entire dwelling, in rooms within a dwelling, or in a separate attached or detached dwelling unit or units on the parcel, but shall not include camping. Motels, hotels, resorts, inns, and bed & breakfasts, as defined in this chapter are excluded from this definition.

Short-Term Transient Rental Unit – Dwelling units or rooms used as STRs.

Sleeping Room - An interior room other than a bedroom, as defined under the NYS Uniform Fire Prevention and Building Code, that may serve to afford sleep to a person, however, sleep shall not be the primary function of the room. Examples include, but are not limited to, a living room, family room, den or great room which may be furnished with a futon, convertible couch, or other sleeping surface. All sleeping rooms shall meet NYS Uniform Fire Prevention and Building Code mandates for bedrooms. (i.e., size, ceiling height, access, egress, lighting and ventilation, electrical outlets, heat, and smoke and carbon monoxide alarms).

Vacant Parcel – A parcel of land which does not contain a residential dwelling unit.

- G. Applicable Law. All property owners desiring to operate a STR must comply with the regulations of this local law. However, nothing in this local law shall alter, affect, or supersede any regulations or requirements of the Town of Lloyd Zoning Code, any regulations or requirements imposed by the County of Ulster, or any State or Federal regulations or requirements, and all property owners must continue to comply with such regulations or requirements. Any conflict between this local law and any other regulations or requirements of the Town of Lloyd Code shall be resolved in favor of the more stringent of such regulations or requirements.

Except as temporarily provided herein for existing STRs, no operation of a STR unit shall occur except pursuant to a valid Special Use Permit issued by the Town of Lloyd Planning Board and an STR permit issued by the Building Department. Such STR permits shall be valid for a two-year period, subject to annual fire and safety inspection.

H. Ownership of Properties.

- (1) Properties must be owned by an individual, individuals, sole proprietorship, general partnership, limited liability partnership, or a limited liability company. No property owned by a corporation or other business entity shall qualify for a permit.
- (2) A general partnership, limited liability partnership or a limited liability company must disclose names of all partners and/or members when applying. Any changes in partners and/or members shall be provided to the Building Department within thirty (30) days of change.
- (3) No owner entity composed of similar individuals, partners and/or members may hold permits for more than two properties at any given time, one owner-occupied and one non-owner-occupied STR in order to allow equitable distribution of Short-Term Rental Special Use Permits. Only one permit per property is allowed at one time.

- I. Designation of STR Properties. All short-term transient rentals shall be designated as Owner Occupied, or Non-Owner Occupied, as defined herein.

- J. Ulster County Hotel and Motel Occupancy Tax. All short-term transient rentals shall comply with the Ulster County Hotel and Motel Room Occupancy Tax (Local Law Number 5 of 1991).

K. Application of Law to Existing Short Term Rentals.

- (1) Property owners who operate an existing STR as of the effective date of this local law shall have 90 days from such date to apply for a Special Use Permit from the Planning Board.
- (2) Continued operation of an existing STR may occur so long as an application for a Special Use Permit is diligently pursued and until such time as a Special Use Permit is issued or denied by the Planning Board and an STR permit is issued by the Building Department.
- (3) To qualify as an existing STR, within 90 days of the effective date of this local law, a property owner shall produce documentation of compliance with paragraphs (a), (b), and (c) below. Any property owners who fail to produce such documentation shall not qualify as an existing STR and shall cease operation of such STR until a Special Use Permit and an STR Permit is obtained. If the property is in a zoning district where STRs are not allowed, a use variance will be required before a Special Use Permit may be sought. To be an existing STR, property owners must:
  - (a) Provide an Ulster County Department of Finance Certificate of Authority dated prior to December 31, 2022;
  - (b) Provide proof of operation as an STR between December 31, 2021 and December 31, 2022; and
  - (c) Have submitted a complete application and be subject to Section (T), Special Use Permit Regulations and an annual fire and safety inspection.
- (4) In zoning districts where STRs are not an allowed use, qualifying, preexisting STRs shall be allowed to operate, subject to a Special Use Permit approved by the Planning Board, biennial application renewal and an annual fire and safety inspection, pursuant to the limitations for nonconforming uses provided in Zoning Code § 100-17.

L. Fee. A nonrefundable STR permit application fee and inspection fee shall be established by resolution of the Town Board for each dwelling unit that functions as or contains a short-term transient rental unit. Such permit fee shall be submitted with each new application and each biennial renewal application. A separate fee shall be submitted for an annual fire safety inspection of each permitted STR.

M. The Town Board may set a maximum number of short-term rental permits allowed during any given period in order to protect the health, safety and welfare of the citizens in the Town. The maximum number (cap) may be reviewed at any time at the discretion of the Town Board.

N. Application Forms. Application forms for an STR permit shall be developed by the Building Department.

O. Applicants for an STR permit must file a separate application and tender a separate application fee and obtain a separate permit and inspection for each dwelling unit which contains or functions as a short-term transient rental.

P. Application Process.

The initial application to operate a short-term transient rental shall be submitted to the Planning Board for a Special Use Permit. Notification of the application shall be sent to neighbors within 200 ft of the property by the Building Department upon permit application.

- (1) The application shall include the following, in addition to any other information required for a Special Use

Permit application:

- (a) Contact information. The names, addresses, email address(es) and day/night telephone numbers of the property owners and local managers shall be included on the application.
- (b) Designation of the STR as Owner Occupied or Non-Owner Occupied, as defined herein.
- (c) Designation of the STR as Rented in Part and/or Rented in Whole, as defined herein.
- (d) Hosting Platform information. The applicant shall provide the names and URLs for all hosting platforms or other advertising platforms, such as but not limited to AirBnB, VRBO or other hosting websites; and Facebook, Instagram, or other social media postings used by the applicant for advertisement of the short-term transient rental unit. Any changes or additions to the listed hosting/advertising platform shall be reported on the applicant's renewal permit.
- (e) Parking. The number of off-street parking spaces to be provided shall be stated on the application. Off street parking shall be provided to accommodate the occupancy of the short-term transient rental unit, one parking space for each sleeping room in the dwelling plus other parking as required by §100-29. Vehicles shall not be parked on front lawns. There shall be no on-street parking allowed. No parking shall be allowed outside of the parking spots designated and detailed on the permit.
- (f) Maximum Occupancy. The maximum desired occupancy by the operator shall be stated on the application. The Code Enforcement Officer shall establish the maximum occupancy. The Code Enforcement Officer shall limit the number of occupants based on the number, size, configuration, and furnishings of the bedrooms and/or sleeping rooms, and per the provisions of NYS Uniform Fire Prevention and Building Code.
- (g) Water and septic. The source of the water supply shall be stated on the application and the permit. The septic system shall be functioning, and the type, size, and location of the septic system shall also be stated on the application. New permit applications shall require documentation as determined acceptable to the Planning Board, indicating that the septic system is found to be currently working properly and is adequate for the Short-Term Transient Rental maximum occupancy.
- (h) Fire Safety. Documentation of location and existence of fire safety devices in compliance with NYS Uniform Fire Prevention and Building Code.
- (i) Description. State the occupancy of each bedroom and sleeping room and the methods of ingress and egress (examples: doors and windows) shall be included with the application. No kitchen shall be occupied for sleeping purposes.
- (j) Plat. The applicant shall submit an aerial plat of the property showing approximate property boundaries and existing features, including buildings, structures, well, septic system, parking spaces, firepits/outdoor fireplaces, driveways, streets, streams and other water bodies, and neighboring buildings within one hundred (100) feet of the short-term transient rental unit. This does not need to be a survey. This is easily obtained free of charge from many online sources.
- (k) Garbage Removal. The applicant shall state how garbage is to be removed from the property. The applicant is responsible for all refuse and garbage removal. The applicant shall be responsible for either (a) contracting with a refuse company or (b) the owner or property manager shall remove garbage on a weekly basis. If there is a dumpster located on the property, the location of the dumpster shall be depicted on the plat submitted with the application.

- (l) House Rules. The applicant shall submit a copy of the house rules (see below Section T for required House Rules.)
- (m) Jurisdiction. If a property owner does not reside within thirty (30) miles of the Town of Lloyd Town Hall, then they must designate the Local Manager, as an agent.
- (n) A copy of the Ulster County Commissioner of Finance Certificate of Authority

Q. Inspections.

- (1) Annually, each approved STR shall be inspected by the Code Enforcement Officer or Fire Inspector to determine compliance with New York State Uniform Fire Prevention and Building Code. Inspections shall be done for the initial permitting and annually, thereafter.
- (2) All STR units must comply with NYS Building Code requirements and shall have no open violations. No initial or renewal permit shall be issued without compliance with the elements of the submitted application.
- (3) The entire property involving an STRs must be inspected. This includes all owner-occupied spaces in buildings where a STR unit is located. Those owner-occupied spaces shall be in compliance with the Property Maintenance Code of New York State related to interior and exterior spaces and fire safety.

R. Application Review. Upon receipt of the application and fee, the Planning Board shall determine if the applicant has complied with all the requirements of this local law, the Zoning Code, as well as any applicable federal, state, county, or local laws. If the applicant has fully complied, then the Planning Board may issue the property owner a Special Use Permit for an STR. Based on the approval of such Special Use Permit, the Building Department may issue a renewable STR permit so long as initial fire safety and property maintenance inspections have been completed and approved and all fees are paid. No STR permit shall be issued until inspection is completed by the Building Department.

S. Renewal permits. Property owners with STR permits shall submit to the Town of Lloyd Building Department a biennial renewal permit application with any changes to the original STR permit, together with such additional documentation as determined by the Code Enforcement Officer, all of which will be on forms prescribed by the Building Department, along with the current renewal application fee. Renewal applications shall be subject to the cap as determined by the Town Board and will be processed on a first come-first served basis. Permit holders shall be able to apply for Renewal Permits beginning October 1st through December 1st. The Code Enforcement Officer may deny a renewal application based on non-compliance of the regulations contained in this section or upon failure of the annual fire safety inspection in any aspect of that inspection. An applicant may appeal the denial to the Zoning Board of Appeals.

T. General Permit Regulations.

- (1) STR permits shall be valid for two years.
- (2) An STR permit in any given year will expire on December 31, except an initial permit approved after September 1<sup>st</sup> of a calendar year shall be allowed to run through December 31<sup>st</sup> of the second year of the permit. All renewal permits shall run from January 1<sup>st</sup> to December 31<sup>st</sup> of the second

calendar year after issuance.

- (3) The Town of Lloyd Town Board reserves the right to set a cap for the maximum number of STR permits to be issued by the Building Department in order to ensure the equitable distribution of STR permits and to protect the public's health, safety and welfare. The Town Board may review that cap at its discretion and revise it as needed to protect the interests of the Town.
- (4) Copies of the STR permit must be displayed in the dwelling unit in a place where it is easily visible to the occupants.
- (5) STR permits may not be assigned, pledged, sold, or otherwise transferred to any other persons, businesses, entities, or properties.
- (6) All short-term rental properties shall have posted on or about the inside of the front or main door of each dwelling unit a card listing emergency contact information. Such information shall include, but not be limited to the name, address, email, and phone numbers of the building owner, if local, or of a local manager and instructions on dialing 911 for emergency/fire/ambulance assistance. A local manager shall be able to respond in person within one hour.
- (7) Exterior advertising signs are prohibited except an STR may have one nonilluminated accessory use freestanding or wall sign not to exceed 4 square feet in area to identify the STR
- (8) No camping shall be allowed on properties with STR permits.

#### U. House Rules

- (1) All short-term rental properties shall post for renters of each dwelling unit or rooms a listing of House Rules. House Rules shall incorporate, but not be limited to, the following:
  - (a) An emergency exit egress plan
  - (b) The location of fire extinguishers
  - (c) Identify the property lines and a statement emphasizing that unit occupants may be liable for illegal trespassing.
  - (d) Identify the procedures for disposal of refuse/garbage.
  - (e) If allowed by the property owner, specify outdoor fires shall be made solely within a fireplace or fire pit in accordance with all New York State burning regulations.
  - (f) If allowed by the property owner, instructions for fires in fireplaces or wood stoves. If not allowed by the property owner, a statement stating as such
  - (g) Short Term Transient Rentals shall not be permitted to be used for any commercial use or commercial event space.
  - (h) No outdoor camping shall be allowed.
  - (i) Parking shall be allowed solely in the designated parking spaces.
  - (j) If the property has a pool, hot tub or other swimming or bathing appurtenance (hereafter: "pool"), a clear list of requirements related to use of the pool, including explanation of the use of the required barrier, barrier latches, alarms, electrical disconnect, etc. Further, the property owner will place a sign in each location leading to the pool that the property requires a "Water Watcher": a responsible adult to supervise the pool while it is in use and to be responsible for assuring that the barrier requirements are in place at all times.
  - (k) Noise should be kept to a reasonable level. Unreasonably loud, disturbing and unnecessary noise should not occur after 8:00pm nor before 7:00am during weekdays, and not between 8:00pm and not before 9:00am on Sundays or any holiday.

## V. Complaints

- (1) Complaints regarding the operation of a STR shall be in writing to the Code Enforcement Officer.
- (2) Noise Complaints should be made to the Town of Lloyd Police Department.
- (3) Upon receipt of a complaint of violation, the Code Enforcement Officer shall investigate to determine the presence of a violation, and upon finding to his/her satisfaction that a violation was or is currently occurring, he/she shall issue to the property owner and the local manager a notice detailing the alleged violation(s) as determined by the Code Enforcement Officer in accordance with Zoning Code § 100-54. Such notice shall also specify what corrective action is required of the property owner, and the date by which action shall be taken.
- (4) Notices required by this section shall be issued by the Code Enforcement Officer in accordance with Zoning Code § 100-54.
- (5) No renewal permit shall be issued until a notice of violation issued by the Code Enforcement Officer is resolved.
- (6) If the landowner does not comply with the specified corrective action by the date given by the Code Enforcement Officer, the Code Enforcement Officer may revoke the STR permit. This determination shall be reviewable by the Zoning Board of Appeals after a public hearing.