

# **DRAFT**

## **Article XV Short Term Rentals**

Intent/Purpose: The Village of Angola intends to create a local law to address the need for guidelines for short term rental establishments. The Village of Angola shall require that all persons operating a short-term rental establishment obtain a Temporary Special Use Permit from the Village of Angola Zoning Board of Appeals, in accordance with the special use requirements of the Village. The permitting requirements necessary to obtain said permit are set forth herein. The intent of this section is also to address the addition of short-term rental establishments in the Village of Angola, and address their potential impact on the Village and the neighborhood impacted by such proposal.

### **§ 245-49 Existing Short Term Rental Establishments legalized.**

- A. All existing short-term rentals as defined herein shall be legal and be considered as a permitted use under the Village of Angola Zoning Ordinance and shall be required to comply with all sections of this local law. All existing short-term rentals as defined herein shall also be required to apply for a Temporary Special Use Permit to the Code Enforcement Officer within 60 days from the date of the passage of this local law.

### **§245-50 Permit required.**

- A. All existing and future short term rental establishments, as defined below, are permitted with a Special Use Permit, provided that all requirements set forth below are observed. No person, firm, corporation, association, partnership, or any other entity shall operate a short-term rental establishment in any zone without first having obtained a special use permit from the Village Board.

### **§ 245-51 Definitions**

The following terms shall have the meanings indicated:

- A. Existing Short-Term Rental: Any Short-Term Rental Establishment in existence as of the effective date of this Local Law.
- B. Lot or Property: A parcel of land consisting of one property tax (S.B.L.) number.

- C. Permit: A special use permit granted or to be granted pursuant to the requirements of this chapter.
- D. Short Term: Occupancy for hire for a period of 30 consecutive days or less.
- E. Short Term Rental Establishment: Any establishment, both existing and future, which lets one or one and more rooms for short term rental occupancy, and which is not classified as a hotel or motel.

**§ 245- 52 Short Term Use and Dimensional Regulations:**

- A. No more than one short term rental establishment is permitted on any lot or property.
- B. Short-Term Rental Establishments, as defined by the Village of Angola re allowed by temporary special use permit in the following districts:
  - a. Multi-Family Residential (MF-R).
  - b. Mixed Use Residential (MU-R)
  - c. Business (B)
  - d. Mixed Use Business (MU-B)

**§ 245-53 Permit Regulations:**

- A. Issuance of temporary special use permits: The Village of Angola Zoning Board of Appeals shall have sole authority to issue temporary special use permits for Short Term Rental Establishments.
- B. Length of temporary special use permits: Said permits shall be issued on a one year (1) nontransferable, renewable basis. No short-term rental establishment shall operate at any time in violation of the provisions of this chapter.
- C. The form of the permit and application: The form of the permit and application therefor shall be prescribed by the Village of Angola Zoning Board of Appeals and administered by the Code Enforcement Officer. The applicant shall provide all information required by the application to the Code Enforcement Officer, and after all of the information required by the application is received by the Code Enforcement

Officer, the Code Enforcement Officer shall forward the application and supporting documents, to the Zoning Board of Appeals for its review, consideration and, after holding a public hearing thereon, render it's decision on whether to grant the temporary special use permit. The premises shall be inspected by the Code Enforcement Officer or his/her deputy, during the application process, and thereafter, as the Code Enforcement Officer deems necessary.

- D. Requirements: Before a permit may be granted, the following requirements shall be met:
- a. A drawing of the building floor plan with accurate dimensions. The drawing shall designate rooms for use by guests, designate exits and access to exits and identify and specify the off-street parking spaces that are required by this chapter.
  - b. The application shall be signed by the owner of the premises and shall contain at least the following: the name, address, telephone number and e-mail address, if available, of the owner and operator, if any, as well as a local contact, if possible.
  - c. Each establishment shall have exits clearly marked.
  - d. Each establishment shall have adequate exits (number, location and size) for the maximum number of guests which can be housed pursuant to this chapter.
  - e. Each guest room shall have a functioning smoke detector that complies with the New York State Uniform Fire Prevention and Building Code requirements.
  - f. Each establishment shall have functioning carbon monoxide detectors as required by code.
  - g. Each guest room shall have written information, clearly posted, showing the location of all means of exiting the building in the event of an emergency.
  - h. Each establishment shall have a minimum of one (1) fire extinguisher (2A10BC rated) on each floor with sleeping quarters and may, in the discretion of the Building Inspector, be required to have additional such fire extinguishers available. All fire extinguishers must be inspected once a year.
  - i. The required fee for the permit shall be paid each year to the office of the Building Inspector.

- j. Occupancy shall be limited to ten (10) people per establishment. There shall be at least one (1) bathroom and shower for every five (5) people who may reside or stay at the establishment.
  - k. The minimum square footage of each room shall be one hundred twenty (120) square feet. Up to two (2) guests shall be permitted in a room with said one hundred twenty (120) square feet. An additional sixty (60) square feet is required for every guest over two (2) guests per room.
  - l. The quarters to be utilized by the guest or the occupants of the premises shall not be permitted in any accessory structure, sheds or similar structures, basements, attics, sunrooms, porches and garages.
  - m. The use by guests shall be no longer than ninety (90) consecutive calendar days.
  - n. No parking shall be allowed in public rights-of-ways.
  - o. One off-street parking space shall be provided for each living quarter designated as a rented room, as described in the application and permit, plus such additional parking spaces as the Planning Board shall deem necessary for the residents. All parking spaces shall be graveled or paved as determined by the Planning Board. Boats, trailers and campers must use designated off-street parking.
  - p. No inventory of goods shall be maintained for sale on the premises.
  - q. All signage shall comply with the Village of Angola sign ordinance for the respective zoning district the short term rental establishment is proposed in.
  - r. The permit issued by the Zoning Board of Appeals and renewals thereof issued by the Code Enforcement Officer, along with the Town Noise Ordinance, shall be posted at all times inside all establishments in a conspicuous place.
  - s. The Zoning Board of Appeals shall take into consideration yard screening with plantings, and/or fencing.
- E. The Code Enforcement Officer shall keep a directory setting forth a current listing of all premises for which a permit has been issued. The Building Inspector shall send a copy of said directory to all Fire Departments in the Village of Angola, and to the Village Clerk. Said directory shall also contain the name, address, telephone number and e-mail, if any, of the owner and operator of the establishment.

#### **§ 245-54 Fees.**

A. The yearly fee for the permit hereby required shall be \$ 250.00, and any revisions of this fee in the future may be determined by the Planning Board.

#### **§ 245-55 Renewals.**

Permits shall be renewed annually and shall expire one year from the date the Permit was granted. The owner of the Short-Term Rental Establishment can apply for the renewal ninety (90) days prior to expiration of said Permit, by submission of an application by the owner for renewal of the Permit to the Code Enforcement Officer. The form and content of the renewal application shall be prepared by the Zoning Board of Appeals and supplied by the Code Enforcement Officer to the owner. The completed renewal application shall be approved by the Code Enforcement Officer, and then submitted by the Code Enforcement Officer to the Village Clerk for issuance thereof. The Code Enforcement Officer is authorized to conduct an investigation, to inspect the premises, and may require that any and all violations of this chapter be resolved to his or her satisfaction, or by resolution in the decided on by the Planning Board, prior to any renewal application being submitted to the Village Clerk for issuance thereof. The actions of the Village Clerk in approving the renewal shall be ministerial in nature. In the event that renewal of a permit in accordance with this chapter has not been obtained by the owner, within the 90-day renewal period as aforesaid, the owner shall cease operation of the short-term rental establishment until renewal of said permit is obtained.

#### **§ 260-8 Penalties for Offenses.**

Any person, corporation, business, association, firm, partnership owning and/or operating a short-term rental establishment found to be operating in violation of any provisions of this Chapter, shall be guilty of a violation, and shall be subject to a fine not exceeding Two Hundred Fifty (\$250.00) Dollars, or imprisonment not exceeding 15 days, or both such fine and imprisonment. Each day a violation exists, it shall be considered a separate violation of this chapter. In addition to any of the above violations found by the Building Inspector, the following are considered a violation of this Chapter, and are also subject to modification or revocation of the Permit:

- A. That the approval of the permit was obtained by fraud.
- B. That the permit granted is being or recently has been exercised contrary to the terms or conditions of such approval of, and/or in violation of any statute, ordinance, law or regulation.

- C. That the actions and conduct, and the conduct of operations of the permit holder, it's agents and /or employees, have been so exercised as to be detrimental to the public health or safety of the community, or, to constitute a public nuisance.

**§ 245-56 Seasonal Workers:**

This Ordinance shall not apply to housing for seasonal workers, such as agricultural workers, produce packing workers, seasonal motel and hotel workers, seasonal restaurant workers.

**§ 245-57 Inconsistent provisions:**

If any of the provisions of this chapter are determined to be inconsistent with any provisions of Chapter 245 ZONING, the provisions of this chapter shall control.

**§ 245-58 County Law**

The provisions of this Chapter shall be subject to the provisions of CHAPTER XXI of the Erie County Code of Erie County, NY, with the exception of the term of occupancy being set forth herein as 90 days.

**§ 245-59 When Effective:**

This chapter shall become effective immediately after filing with the Secretary of State.

**§ 245-60 Severability:**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.