

AMENDMENTS TO
2012 ZONING LOCAL LAW, as amended May 14, 2018
for Short Term Rentals
Adopted July 15, 2019

SECTION 2 – DEFINITIONS

LOCKOUT ROOM: An area of a dwelling not to exceed one room with separate exterior access and toilet facilities, but not kitchen. Such a room may be rented independently of the main dwelling but shall not be sold independently. Only two lockout rooms are permitted for each dwelling. For density purposes, the lockout is counted as an additional bedroom of the dwelling if it is a part of, and not counted as an independent unit.

APPLICATION (for short-term rental): See “Short-term rental application”

LICENSE/LICENSING FEES: numbered document issued to an operation upon submission and approval if its application, which is subject to a Licensing Fee.

LONG-TERM RENTAL: a rental property rented for 30 consecutive days or more.

OCCUPANCY (Short-term): number of guest permitted to stay over-night in a rental property, as set for in the Short-term Rental Application.

OPERATOR: owner, landlord, or other manager, responsible for renting a rental property.

PLATFORM: any rental advertisement or facilitating entity for property rentals (newspaper, flyers, television or radio, Airbnb, VRBO, HomeAway, etc.).

RENTAL PROPERTY: an apartment condominium, townhouse, free standing home, lockout room or other residential units available for rent.

SHORT-TERM RENTAL: The rental of a room, apartment, ~~or~~ house or lockout room for a time period of less than 30 days.

SHORT-TERM RENTAL APPLICATION: application submitted annually by an Operator for permission to rent a property less than 30 days, subject to approval by Code Enforcement Officer upon satisfactory completion of all requirements.

SECTION 3A – DISTRICTS & REGULATIONS

6. High Density Residential District – HD

E. Apartments/Lockout Rooms

Apartments/lockout rooms available for short-term rental and/or longer period rental are permitted in this zone with a license from the Village Code Enforcement Officer (See Land Use Tables Multi-dwelling structure, apartments, rental of dwellings and lockout units). An apartment shall have a minimum of 550 square feet.

7. Village Commercial District - One (VC-1)

J. Apartments/Lockout Rooms

Apartments/lockout rooms available for short-term rental and/or longer period rental are permitted in this zone with a license from the Village Code Enforcement Officer (See Land Use Tables Multi-dwelling structure, apartments, rental of dwellings and lockout units). An apartment shall have a minimum of 550 square feet.

8. Village Commercial District - Two (VC-2)

I. Apartments/Lockout Rooms

Apartments/lockout rooms available for short-term rental and/or longer period rental are permitted in this zone with a license from the Village Code Enforcement Officer (See Land Use Tables Multi-dwelling structure, apartments, rental of dwellings and lockout units). An apartment shall have a minimum of 550 square feet.

12. Village Commercial District - 3 (VC-3)

I. Apartments/Lockout Rooms

Apartments/lockout rooms available for short-term rental and/or longer period rental are permitted in this zone with a license from the Village Code Enforcement Officer (See Land Use Tables Multi-dwelling structure, apartments, rental of dwellings and lockout units). An apartment shall have a minimum of 450 square feet.

SECTION 3B – SCHEDULE OF REQUIREMENTS – LAND USE TABLES

USE – DESCRIPTION	C	VR	LD	MD	HD	VC-1	VC-2	I	RMHD
Short-term Rental – Rental of dwellings for periods less than 30 days	P	NP	P	P	P	P	P	NP	P

SECTION 5 SPECIAL USE PERMITS

11. Transferability

... Home occupations and rental of property for periods less than thirty (30) days shall not be transferred to one owner to another.

SECTION 12 - SIGN REGULATIONS

5. Signs Not Requiring Permits

C. Non-illuminated real estate signs not exceeding six (6) square feet in area which advertise the sale or lease of the premises upon which such signs are located.

L. Short-term rental properties located in residential districts (C, LD, MD, HD, VC-1, and VC-2) shall not display a sign that exceed the following standards:

- 1) there shall be only one "for rent" sign per short-term rental property.
- 2) signs advertising availability of short-term rents shall be no larger than 12"x18".
- 3) the location of signs advertising availability of short-term rents shall be limited to a single window or door.
- 4) signs advertising availability of short-term rents shall not be placed in the yard, on public right-of-way, or on trees, poles or other structures.
- 5) signs advertising availability of short-term rents shall not be flashing or internally lit.
- 6) signs advertising availability of short-term rents shall have the appearance as being professionally made.

SECTION 13-OFF STREET PARKING AND PRIVATE ROADWAYS

6. Multi-family Parking Requirement Table

Short-term rental properties shall provide on-site parking designed and constructed in accordance with this section.

SECTION-16 - MISCELLANEOUS

15. Short-Term Rental

A. Purpose

The purpose of this section is to maintain the residential character of the Village.

B. Regulations:

Short-term rentals are only allowed as a permitted use in the districts indicated in the Land Use Tables (Section 3B). Short-term rentals may not be established or occupied without first having obtained a license from the Village Code Enforcement Officer. Prior to issuance or renewal of a license, the Code Enforcement Office must determine that all the regulations in this sub-section are

met for all short-term rental properties. Failure to continually meet the regulations in this sub-section will be cause for the Code Enforcement Officer to revoke a license, or deny renewal.

- 1) Submit a Short-Term Rental Application annually, and associated licensing fee as shown on Application, for approval by the Code Enforcement Officer. Upon receipt of a complete application, within 5 working days, the CEO will review and issue the Operator a License. Licensing Fees are subject to change, from time to time, with Village Board approval.
- 2) Conspicuously post the License number on any platform and within ten (10) feet of the main interior entrance of the Rental Property.
- 3) Conspicuously post a local emergency contact number (same as provided in the Application) and general emergency contact information (i.e.: 911, local police department) within ten (10) feet of the main interior entrance of the short-term rental property.
- 4) The operator of a licensed short-term rental property shall comply with local maintenance laws (i.e. parking, garbage, lawn cutting, property maintenance, noise) applicable to the property.
- 5) The operator of a licensed short-term rental property shall not allow occupancy of the short-term rental property exceeding the occupancy indicated in the license.
- 6) Parking:
 - a) All Vehicles to be Parked on Site: The motor vehicles of all occupants of the short-term rental property shall be parked only on the site of the short-term rental property as approved on the license. No motor vehicles shall be parked on the lawn or landscaped areas of a short-term rental property, or in the public street or right of way adjacent to the short-term rental property.
 - b) Large Vehicles Not Allowed: No privately owned, non-governmental vehicle with a passenger capacity of twelve (12) persons or more shall be used to transport persons to or from a short-term rental property or parked upon the premises of a single-family accommodation.
 - c) No mobile homes or trailers are allowed to be parked on a short-term rental property and utilized by renters.
- 7) Trash. Dispose of Trash On Pick-up Day Only. The storage and disposal of all trash and garbage from a short-term rental property shall comply with the requirements of Local Laws No. 2 and No. 3 of 1991 regarding Solid Waste and Recycling of the Ellicottville Village Code. Trash cannot be placed at the curb

more than 24 hours prior to pick up. Emptied garbage cans and receptacles must be removed from curb within 24 hours of collection.

8) Noise – No occupant of a short-term rental property shall: (i) make, cause or control unreasonable noise upon the short-term rental property which is audible upon a private premises that such occupant has not right to occupy, or which is in violation of the “disorderly conduct” provisions of the Ellicottville Village Code, or (ii) violate Local Law No. 6 of 2006 “Noise Ordinance” of the Village Code.

9) Homeowner To Provide Village With Local Contact Information: At the time of application and the issuance of the license the licensee shall provide to the Village the name, address and telephone number of a local contact person who is authorized by the licensee to receive communications from the Village concerning the short-term rental property. The local contact person may be a management company, rental agent or other person employed or engaged by the licensee to manage, rent or supervise the short-term rental property. The local contact person must be available for contact at all times and shall maintain a residence or permanent place of business within 25 miles of the licensed property. The designated local contact person may be changed by the licensee from time to time throughout the annual term of the license. To effect such change, the licensee shall notify the Village Clerk and Village Code Enforcement Officer of the change in writing and shall, at the time, provide the Village with the name, address and telephone number of the licensee’s replacement contact person. Any replacement contact person shall meet the requirements of this paragraph.

10) Single-Family residence – Special Conditions. Short-term rental of a single-family residence is permitted once the property owner obtains a short-term rental license. In addition, single-family residences that are rented short-term are subject to additional conditions to help maintain the residential character of the neighborhood. These “Special Conditions of License” shall be attached to the license and must be conspicuously posted within the residence.

11) Signage for rental properties shall meet all the applicable requirements of Section 12-Sign Regulations of this Local Law.

C. Pre-existing Short-term Rentals

Pre-existing short-term rental properties that were issued licenses prior to July 10, 2017 shall automatically receive a license and be allowed to remain available for one-year. After one-year from the adoption of this zoning amendment, the pre-existing short-term rental properties must meet all the regulations in Section 16-15.B. as necessary to have the operators short-term rental license renewed.

D. Enforcement and Penalties

Penalties for the non-compliance with the above regulations shall be listed in the Application and are subject to change, from time to time, with Village Board

approval. Any violations of this law must be presented to the Village Clerk or Code Enforcement Officer, in writing, and signed by the complainant. Penalties for non-compliance at a licensed short-term rental property shall be as flows:

- Short-term rental of a property without a license: First instance shall receive a warning from the Code Enforcement Officer, then a \$1,000.00 fine per Instance.
- No local contact or change without notice of rental management contact - \$250 fine per instance.
- Over occupancy and parking violations - \$1000.00/ per instance.
- Garbage non-compliance - \$200 fine for first instance - \$400 fine for the second instance and \$600 fine for each instance thereafter.
- Advertising non-compliance: First instance shall receive a warning from the Code Enforcement Officer, then if no license is listed in the advertisement there shall be a \$500 fine per instance.
- Verified neighborhood complaint: there shall be a \$500 fine per instance and loss of license after a third incident of a verified neighborhood complaint.