

CHAPTER 12 TRANSIENT LODGING

Transient Occupancy

- A. Owner Occupied Transient Occupancy Lodging
- B. Transient Occupancy Lodging is classified as a special use because of the potentially unpredictable intensity of use and resulting conflicts with other adjoining and nearby uses. The Planning Board shall review such uses under the criteria set forth in section 136-17, and shall particularly address each application in terms of site plan features such as proximity to other uses and the nature of nearby uses, as well as available parking, lighting and other site features in order to minimize land use conflicts and associated adverse impacts to other residential uses. Any initial application for a special use permit to operate a non-owner-occupied transient occupancy lodging use facility located within an R1, R2, VC and CR zoning district must be received by the Village Clerk no later than March 31, 2022. All special permits for non-owner-occupied transient occupancy lodging use facilities located within an R1, R2, VC and CR district granted to the owner of the premises as of March 31, 2022 shall terminate and expire upon the transfer of title (ownership) of the subject premises by said owner. Subsequent owners of said premises must re-apply for a special use permit.
- C. Non Owner-Occupied Transient Occupancy Lodging established and hosting transient occupants in an existing residence prior to March 31, 2022 and for which a complete initial application for approval is received by the Village Clerk by October 1 2021, subject to the provisions of subsection 136-17
- D. The maximum number of persons permitted to occupy any Transient Occupancy Lodging facility shall be determined with permit upon inspection, subject to available parking for the use. The Planning Board may establish a lower maximum occupancy limit under its special permit review authority if it determines that the number of parking spaces appropriately devoted to the use is insufficient to support the number of intended occupants without adversely affecting adjoining property owners and/or the surrounding neighborhood.
- E. No recreational vehicles, campers, trailers, or motor vehicles larger than a one-ton pickup truck may be parked upon the premises during any transient occupancy. The number of automobiles and/or light duty (pickup) trucks that may be parked on site in association with any transient occupancy lodging shall be limited to the number of off-street parking spaces designated on the site plan approved by the Planning Board. No vehicles may be parked on lawns or in other areas not specifically

approved as parking spaces under the provisions of this Chapter. The Planning Board shall review all new applications in relation to the physical limitations of the subject premises as well as the proximity to adjoining uses and surrounding neighborhoods in order to determine the appropriate parking requirements and occupancy limits.

- F. Dwellings and/or dwelling units used for Transient Occupancy Lodging shall have no exterior signs or other exterior indications of the transient occupancy use, which shall from all exterior indications be indistinguishable from an otherwise permitted conventional residential use as in Chapter 105 of the Village of Sylvan Beach Code
- G. All transient occupancy lodging uses shall be limited to the temporary lodging of registered guests, and no commercial activities and no public or private parties, receptions, meetings or similar social gatherings or events shall be permitted. Occupancy shall be limited to the number of persons permitted under the special use permit issued by the Planning Board, and the operator of the facility shall maintain a register of all guests staying at the facility, their permanent addresses, and the dates of their stay. This register shall be immediately made available to the Village Clerk as part of any Village investigation of any complaints regarding guest behavior and/or to determine compliance with requirements of any special permit issued for the facility.
- H. Owners of permitted non-owner-occupied transient occupancy lodging facilities shall be required to have a designated property manager who resides in such proximity to the subject premise so as to permit him or her at all days and times to physically be at the subject premise within fifteen (15) minutes of receiving notification of a complaint relating to the premises. Current contact information for this person or persons shall be kept on file with the Village Code Enforcement Officer and Village Clerk at all times.
- I. Owners of Transient Occupancy Lodging facilities must at all times be current in the payment of all real property taxes and special assessments, and shall be responsible for complying with other applicable legal and regulatory requirements, including, but not necessarily limited to compliance with New York State building, property maintenance and safety codes and registration and collection of state and local sales taxes and County occupancy taxes. When available, applicants shall register to have applicable taxes and fees collected and remitted by the internet host platform.
- J. All owners of Transient Occupancy Lodging facilities shall provide to the Village proof of general liability insurance against claims for personal injury, death or property damage occurring on, in or about the subject premises in an amount not less than One Million Dollars (\$1,000,000.00) in respect of personal injury or death, and in amount of not less than One Hundred Thousand Dollars (\$100,000.00) in

respect of property damage.

1. All applications for approval of a non-owner occupied transient occupancy lodging facility in existence prior to March 31, 2022 in an R1,R2,VC,Cr zoning district shall be accompanied by documentary proof of operation as a non-owner occupied transient occupancy lodging facility, which shall include proof of website hosting of the property before March 31, 2022 (such as a screen shot/proof), the adequacy of which shall be subject to Village approval, and a copy of at least one rental agreement/booking (online proof is acceptable) showing occupancy of the premises by a transient tenant before March 31, 2022
- K.** No person, firm or entity shall own, operate or manage a Transient Occupancy Lodging facility in the Village of Sylvan Beach, nor shall any owner permit the operation of a Transient Occupancy Lodging Facility on premises owned by him, her or it, without a duly issued special use permit from the Village of Sylvan Beach to operate a Transient Occupancy Lodging facility. All new and existing Transient Occupancy Lodging facilities shall be required to obtain a permit bi-annually from the Village Code Enforcement Officer, the original or copy of which shall be prominently displayed in a front window of the subject residence in such manner so that it is clearly visible from the public sidewalk, or from the street if there is no sidewalk.
- L.** Licenses issued for Transient Occupancy Lodging facilities shall be valid for two years, from April 1 to March 31. A Complete application for a license or license renewal shall be submitted to the Code Enforcement Officer not less than two (2) months prior to the date the license, or renewal license, as applicable, is to be effective. Applications not submitted in time to be effective as of the 1st day of October shall be effective as of the date of issuance and shall expire on the next succeeding 30th day of September. The applicant shall schedule with the Enforcement Officer the necessary inspection of the dwelling or dwelling unit not less than thirty (30) days prior to the desired license effective date. All applications for a permit and license shall include the following information:
1. Current and accurate site plan of the premises showing all property lines, building lines, driveways, sidewalks, parking spaces, garbage and recycling storage areas, and any outbuildings and outdoor gathering areas such as patios and decks;
 2. Floor plans, as determined adequate by the Codes Enforcement Officer and which need not be prepared by a licensed design professional, for each building floor level containing rentable space, which specifically depict all room sizes and locations, common areas, exits and other facilities;

3. A copy of the recorded deed showing all current owners of the premises, and a list of the names, home and business addresses, all phone numbers (including home, business and cell) and email addresses of all property owners and all property managers in the case of non-owner-occupied facilities;
 4. The number of permanent residents and the number of transient residents proposed to reside on the premises (as authorized per the conditions of the special use permit granted by the Planning Board in the case of license applications), including the number assigned to each bedroom shown on the building floor plans;
 5. The number of all automobiles, trucks and other vehicles belonging to the owners/permanent residents that will be parked on the premises during periods of transient rentals, including for each such vehicle, the make, model and year of the vehicle, license plate number; the name and permanent address of each vehicle's local operator and its titled owner;
 6. Such other information as the Code Enforcement Officer may reasonably require for the premises in question.
- M.** All applications for a special use permit and/or license to operate a Transient Occupancy Lodging Facility shall be signed by all owners of the premises. All applications shall include an accurate list of all property owners within 150 feet of the subject premises, as indicated on the most recent real property tax assessment roll, accompanied by a statement that all such owners have been provided a copy of the application. Each signature to the application shall swear or affirm to the truth and accuracy of the information contained in the application. Upon each license application and renewal application, the applicant shall be required to pay a license administration fee to the Village of Sylvan Beach, which, except as may be otherwise determined by resolution of the Board of Trustees, shall be in the amount of \$200.00.
- N.** All proposed transient occupancy lodging facilities shall be physically inspected for proper maintenance of the premises in accordance with paragraph (1) of subsection Q below, and for general code compliance prior to issuance of a license to operate the facility, and also on a bi-annual basis thereafter prior to the issuance of any renewal license.
- O.** Upon such timely application and inspection, the Codes Enforcement Officer will issue or renew, as applicable, the license upon a finding of full proper compliance with all provisions of this chapter and all other applicable laws and standards. Upon determining that sufficient grounds exist under the provisions of Subsection Q below, the Planning Board shall have the authority to revoke any such license upon application of the Code Enforcement Officer and after holding a public hearing upon any such application to revoke a license.

P. Grounds for denial or revocation of permit/license. Any proposed or existing Transient Occupancy Lodging Facility that is not in compliance with the requirements of this chapter, or any other applicable laws or standards, shall not be granted a license to operate, and, in the event a license has been issued, such license shall be subject to revocation, as herein provided, and the owner(s) and operator(s) of the Transient Occupancy Lodging Facility shall be subject to such other penalties and/or remedies as may be applicable. The existence of any of the following conditions and circumstances shall be deemed violations that constitute grounds for denial or revocation of the Transient Occupancy Lodging Facility license:

1. Indications of improper maintenance or operation of the property in keeping with the character of the neighborhood, and/or failure to maintain and keep the premises in a healthy, safe and sanitary condition, which shall include, but is not necessarily limited to:
 - a. Exposed garbage or litter on the premises;
 - b. Failure to maintain the buildings and grounds in a neat and orderly fashion, including painting and maintenance of exterior surfaces and windows and maintaining the trimming of grass and other vegetation;
 - c. Parking of vehicles on or about the premises in undesignated and/or unapproved parking areas;
 - d. The occurrence of parties or other gatherings of individuals upon the premises wherein the number of persons gathered upon the premises exceeds the number of persons authorized upon the premises under the terms of the special permit and license.
2. Maximum of four (4) founded violations within any twelve month period where a police officer or agency, or the Village Code Enforcement Officer, issued one or more appearance tickets or arrest warrants with respect to acts or omissions related to the transient occupancy of the premises. Such conduct shall include, but is not necessarily limited to, the occurrence of any acts, incidents or events upon the premises that constitute violations of any provision of this chapter, or any other provision of the Village Code, and/or the New York State Penal Law.
3. The conviction upon any formal charges as described in the immediately preceding paragraph (2) shall be prima facie evidence of improper operation of a transient occupancy lodging facility, and shall constitute grounds for immediate revocation of a license, as well as for automatic denial of a license renewal application for a period of one year following the date of license revocation or expiration, as applicable.

Q. Upon determining the existence of one or more offending conditions relative to the premises, the Code Enforcement Officer shall deny the application for a Transient Occupancy Lodging Facility license and, with respect to previously licensed Transient Occupancy Lodging Facilities, at that time may take any action authorized by law, including, but not necessarily limited to the following:

1. Impose additional conditions upon the license;
2. Refer the matter to the Planning Board to schedule a public hearing to consider revocation of the license;
3. Issue one or more appearance ticket or tickets for any violation(s) of the Village Code. The Code Enforcement Officer shall be authorized to issue an appearance ticket to any owner or operator of a Transient Occupancy Lodging Facility operating without a valid license.

Parking

Definitions

NON-OWNER-OCCUPIED TRANSIENT OCCUPANCY LODGING

A dwelling or dwelling unit, including associated appurtenant facilities, used for
Owner Occupied Transient Occupancy Lodging

1 space for each vehicle used by the owner occupants plus a minimum of one space per 2 transient occupants.
Or as determined by CEO

Non-Owner-Occupied Transient Occupancy Lodging

A minimum of once space per 2 transient occupants or as determined by CEO

transient occupancy by one or more guests, boarders or tenants, where no record owner of the property is residing on the premises on a permanent basis, and no record owner of the premises is physically present upon the premises during the transient occupancy, and whether or not meals or cooking facilities are provided for the guests, boarders or tenants, but excluding mote/hotel and bed and breakfast uses.

OWNER OCCUPIED TRANSIENT OCCUPANCY LODGING –

A home occupation in an existing dwelling or dwelling unit owned by one or more natural persons, including associated appurtenant facilities, used for transient occupancy by one or more guest, boarders or tenants, with at least one record owner of the property permanently residing on the premises, and whether or not meals or cooking facilities are provided for the guests, boarders or tenants, but excluding motel/hotel and bed and breakfast uses.

TRANSIENT OCCUPANCY

Living and/or sleeping accommodation provided for compensation and/or barter for any period of less than thirty (30) consecutive calendar days, counting any portion of a particular day as a full calendar day. Bed and Breakfasts, Motels/Hotels and Transient Occupancy Lodging shall individually and collectively be considered types of transient occupancies.