

VILLAGE OF PITTSFORD

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Village of Pittsford Board of Trustees Short-Term Rental Workshop June 24, 2024, 6:00 PM

Tentative Agenda

**Board Member - Conflict of Interest Disclosure &
Open Meeting Compliance Certification**

Workshop Items

1. Continued review of the drafted Chapter 155 Local Law

Next Scheduled Regular Meeting is July 9, 2024, and is Subject to Change Without Notice

Local Law No. _____ of the year 2024
of the Village of Pittsford, County of Monroe
Adding Chapter 155
to the Code of the Village of Pittsford

WHEREAS, the Board of Trustees of the Village of Pittsford (hereinafter “Board of Trustees”) has determined that it is in the best interest of the residents of the Village of Pittsford to regulate the short-term rental of residential properties in the Village of Pittsford; and

WHEREAS, the Board of Trustees appointed a committee to report and make recommendations to the Board of Trustees regarding the types of controls, if any, that should be applied to short-term rentals in the Village of Pittsford; and

WHEREAS, the aforementioned committee filed its report with the Board of Trustees on the ___ day of _____, 2024; and

WHEREAS, the Board of Trustees has decided to enact a local law for the purpose of regulating the short-term rental of residential properties in the Village of Pittsford, now

BE IT RESOLVED, that the Village of Pittsford Board of Trustees hereby adds Chapter 155 to the Code of the Village of Pittsford as follows:

Chapter 155
RESIDENTIAL RENTAL PROPERTY, SHORT-TERM

155-1. Legislative intent.

The Board of Trustees of the Village of Pittsford hereby finds that it is in the public interest to control the short-term rental of residential dwellings and require the registration and permitting of such short-term rentals to protect public health, welfare and safety, preserve the character and integrity of residential neighborhoods, ensure that the value of housing is tied to its use for residential purposes while helping to maintain the affordability of both residential home ownership and rentals, to promote economic stability, to protect the stock of residential dwellings, to maintain the historic character of the Village, to regulate and minimize the impacts of the increased traffic, noise, trash and similar land use impacts which are sometimes associated with a short-term rental of residential dwellings, and provide Village residents with the use of their private property for short-term rentals on a limited basis to generate additional income and to provide reasonable rental options to those who want to visit and enjoy the Village on a short-term basis.

155-2. Definitions.

Beneficial Owner – Any person or entity who directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise, enjoys the benefits of ownership of real property which is titled in another person’s or entity’s name.

Dwelling Unit – see definition of dwelling units contained in Pittsford Village Code Section 210-41.1.

Dwelling Unit, Upper Floor – a dwelling unit, as defined in Pittsford Village Code Section 210-41.1 located on any floor other than the ground floor in a multi-story building.

Dwelling Unit, First Floor – a dwelling unit, as defined in Pittsford Village Code Section 210-41.1 located on the first floor of any multi-story building.

Family – see definition in Pittsford Village Code Section 210-41.1.

Hosted – the onsite residential presence of the owner of the subject residential dwelling during the duration of the rental period.

Owner – the record or **beneficial** owner of real property as recorded in the Clerk’s Office, County of Monroe, State of New York.

Owner Occupied Single-Family Dwelling – a single-family dwelling which the record owner maintains as the owner’s actual residence for 184 days or more per calendar year.

Short-Term Rental – the rental of a single family dwelling to persons in exchange for a fee or compensation whether monetary or otherwise for a period of less than thirty (30) days, including but not limited to rentals provided by such companies as Airbnb and Vrbo. Month-to-month tenancies are not considered short-term rentals.

Single Family Dwelling – see Pittsford Village Code Section 210-41.1, Dwelling, Single Family.

Unhosted – the absence of the onsite residential presence of the owner of the subject residential dwelling during the duration of the rental period.

155-3. Residential Property Permit.

All dwellings utilized for short-term rental shall comply with the requirements of Chapter 154 of the Code of the Village of Pittsford.

155-4. Regulations and Controls.

A. Except as otherwise provided in this section, the short-term rental of any dwelling unit as defined in Section 210-41.1 of the Code of the Village of Pittsford shall be strictly prohibited.

B. The short-term rental of hosted single-family dwellings is permitted.

C. The short-term rental of unhosted, owner-occupied single-family dwellings shall be limited to _____ (60 or 90?) days per calendar year for each such dwelling.

D. Special Permits

1. A special permit from the Planning Board is required for the short-term unhosted rental of a single family dwelling or the short-term unhosted rental of any upper floor dwelling unit as more fully set forth in subparagraph 155-4.D.3.

2. Only the owner of a single-family dwelling or an upper floor dwelling unit as limited by the foregoing paragraph may apply for a short-term rental special permit.

3. The number of special permits available to be issued by the Planning Board shall be limited to the following number in the following districts:

<u>Name of District</u>	<u>No. of Special Permits</u>
LDR	0
NDR	0
R-5	0
LOR	2
VGB	2
VCB	0
TDD, Dwelling Unit, Upper Floor	Unlimited
TDD, Dwelling Unit, First Floor	0
MU-OF	0
MU-EC, Dwelling Unit, Upper Floor	Unlimited
only if more than 100 feet from a residence	
MU-EC, Dwelling Unit, First Floor	0
OS	0

4. Owners seeking to utilize a dwelling unit as a short-term rental property as limited by the preceding subparagraph must submit a special use permit application to the Planning Board including an application fee as required by the Board of Trustees containing the following information:

(a) The name, address, email, and phone number where the owner of the dwelling or accessory dwelling unit can be reached on a twenty-four-hour basis.

(b) The name, address, email, and phone number where the local agent of the owner of the dwelling unit can be reached on a twenty-four-hour basis, if different from the owner(s).

(c) A copy of the current Monroe County hotel occupancy tax certificate.

(d) Proof of \$1,000,000 liability and personal injury coverage provided by the short-term rental platform. Alternatively, if the short-term rental platform does not provide sufficient insurance coverage, proof of the following insurance coverage must be provided:

(i) A rider on a homeowner's policy that expressly covers short-term rentals and provides a minimum of \$1,000,000 liability and personal injury coverage; or

(ii) A commercial insurance policy covering short-term rentals at the permitted address that provides a minimum of \$1,000,000 liability and personal injury coverage.

(e) Signatures of all the dwelling owners and, if applicable, their authorized local agent.

(f) As a prerequisite to the granting of the special use permit or renewing the special use permit, the Code Enforcement Officer must be allowed access to the dwelling or accessory dwelling unit for the purpose of verifying compliance with the provisions of any and all applicable codes. After the Code Enforcement Officer certifies that the property is in compliance, the application will be forwarded to the Planning Board.

(g) A visual depiction of the site, including driveways and parking areas. This may include sketches, photos, or plans. It is not necessary for this visual depiction to be prepared by a professional surveyor or engineer.

(h) A short narrative describing the owner's(s') good faith expectation of the use of the unhosted short-term rental. This must include the anticipated rental nights per year, number of lodgers expected, and whether the short-term rental will be owner-occupied at any point during the period for which the special use permit is granted.

5. Unhosted short-term rental special use permits are limited to two per legal owner(s), regardless of the number of properties owned.

6. Any special use permit issued under this section shall be in effect for one (1) year from the date of the signed Planning Board approval letter. The special use permit shall require renewal by the Planning Board no later than each anniversary of such issuance. The owner(s) of the dwelling must request the renewal in writing by submitting a renewal request application to the Code Enforcement Officer at least ninety (90) days prior to such anniversary. Failure to do so may result in the lapse of the special use permit. Within thirty (30) days after receipt of a renewal request by the Code Enforcement Office, the Code Enforcement Officer shall also include any violations of the Village Code or any other applicable code at the dwelling. The Planning Board shall have the discretion to amend the special use permit or deny renewal for good cause shown, which may include but is not limited to considerations of open violations as noted by the Code Enforcement Officer at the dwelling as well as considerations of noise, disorderly conduct, or public safety at the dwelling and whether there has been a public nuisance resulting from the specially permitted short-term rentals. For the purpose of this Chapter, the term "public nuisance" shall mean noise, light, traffic, and/or odors which under the time, place, and manner in which they occur would annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities.

7. In addition to the required application fee, an annual fee, due upon each annual renewal of the special use permit, must be paid to the Village in an amount to be set by resolution of the Board of Trustees. The failure to pay the required fees shall be a violation of this section.

8. If the ownership of a specially permitted dwelling used as an unhosted short-term rental changes, the new owner(s) must inform the Code Enforcement Officer, in writing, of the ownership change before continuing to use the dwelling as a short-term rental. The

name(s), address(es), phone number(s) and email address(es) of the new owner(s), along with that of their duly authorized agent(s), must be promptly provided to the Code Enforcement Officer. The new owner(s) may apply for renewal at the expiration of the current special use permit.

9. One off-road parking space, not located on the lot's lawn or vegetated area must be provided for each bedroom in the dwelling.

10. All applications referred to the Planning Board for a non-owner occupied, unhosted single family dwelling short-term rental special permit shall be subject to a public hearing held by the Planning Board, as more fully set forth in Article 31 of the Zoning Code of the Village of Pittsford.

11. Special Permit Conditions.

(a) All special use permits issued pursuant to this section are subject to the following standard conditions:

(i) The owner shall, by written agreement with the renter, limit the number of overnight occupants and their vehicles to the number approved in the special use permit application.

(ii) The owner shall demonstrate consistent efforts to ensure that the occupants of the property do not create a public nuisance as defined in subparagraph 155-4.D.6. The use of illegal drugs or controlled substances by occupants is prohibited. The owner shall promptly respond to any complaints of violations of this section by any occupants of the subject property or by any third parties.

(iii) The owner, upon notification that occupants of the property have created a public nuisance or otherwise violated provisions of this section, shall promptly use best efforts to prevent a recurrence of such conduct.

(iv) The owner shall post a copy of the special use permit and a copy of these standard conditions set forth in this section and any other conditions imposed by the Village, in a conspicuous place within the subject property.

(v) The subject property shall, at all times, regardless of whether the property is occupied, be in compliance with the Village Code and the New York State Uniform Fire Prevention and Building Code, and any other applicable laws and codes.

(vi) All occupants of the subject property shall observe quiet hours, which shall be between the hours of 10:00 p.m. and 7:00 a.m., Sunday through Thursday, and 11:00 p.m. and 7:00 a.m., Friday and Saturday. Excessive noise and/or conduct which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others shall constitute a violation of this section and may be grounds for revocation of the special use permit. **(NEED TO MATCH UP WITH CHAPTER 133)**

(vii) Call response availability. The owner and agent(s), and second emergency contact person shall be personally available by telephone on a twenty-four-hour basis to respond to calls or complaints regarding the condition or operation of the subject property. There must be a response to calls or complaints within one (1) hour of the initial call to the owner

and agent(s). The owner shall maintain a record of each caller or complainant, details of the call or complaint, the date, and time of each call or complaint, details of the owner's response and corrective action, and any other documentation associated with such call or complaint and shall provide such records to the Village upon demand, and/or as part of any revocation hearing or application for renewal of the special use permit.

(b) The Planning Board shall have the authority to impose such additional conditions related to the short-term rental use of the subject property as may be deemed necessary to achieve the objectives of this chapter.

E. Any single-family dwelling or dwelling unit currently used for the purpose of short-term rentals which use is prohibited by the requirements and prohibitions of this section, shall be entitled to continue such use for a period of two (2) years from the date of the filing of this Local Law with the Secretary of State.

F. The owner of a single-family dwelling or a single-family dwelling unit permitted to be used as a short-term rental, shall be permitted to have only one (1) lease or rental agreement for each short-term rental period.

155-5. General Notification Requirements.

Each short-term rental shall have a clearly visible and legible notice posted within the property on or adjacent to the interior of the front door, containing the following information:

A. The name of the owner, agent(s), and secondary emergency contact individual, and a telephone number at which each such individual may be reached on a twenty-four-hour basis;

B. The maximum number of occupants permitted to stay in the short-term rental as set forth in the property's Chapter 154 Rental Permit;

C. The maximum number of vehicles allowed to be parked on the subject property as set forth in the property's Chapter 154 Rental Permit;

D. Quiet hours shall be between the hours of 10:00 p.m. and 7:00 a.m., Sunday through Thursday, and 11:00 p.m. and 7:00 a.m. Friday and Saturday, and that excessive noise and/or conduct which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of other shall be a violation of this section.

E. Rules for the disposal of refuse, including but not limited to the refuse pickup day.

F. Notification that occupants may be cited and fined for creating a disturbance or for violating other provisions of this section or the Village Code; and

G. Notification that failure to conform to the parking and occupancy requirements of the subject property is a violation of this section.

155-6. Penalties for violations.

A. The first violation of this chapter within an eighteen-month period by the owner(s) and/or tenant(s) shall be punishable by a fine of not less than \$500 nor more than \$1,500.

B. The second violation of this chapter for the same property within an eighteen-month period shall be punishable by a fine of not less than \$1,000 nor more than \$2,500.

C. The third violation of this chapter for the same property within an eighteen-month period shall be punishable by a fine of not less than \$1,500 nor more than \$5,000.

D. For the purpose of conferring jurisdiction upon courts and judicial officers in general, violations of this chapter shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply.

E. A violation existing at the premises as referred to here and above shall be a violation by the owner(s).

F. Each day upon which a violation of this chapter occurs, shall be considered a separate additional violation.

155-7. Revocation of Special Permit.

A. In the event that a special use permit grantee has violated any of the terms and conditions of such permit, the special use permit shall be subject to revocation as set forth hereinafter.

B. The Planning Board shall hold a public hearing to consider whether or not the special use permit grantee has violated the terms and conditions of said special use permit. Said public hearing shall be held only after the permit grantee has been notified in writing by first-class mail by the Building Inspector or Code Enforcement Office of said violations and has failed to correct said violations within the time period established by the Building Inspector or Code Enforcement Office. Notice of violations shall be served at least ten (10) days before said public hearing, a legal notice shall be published in a newspaper of general circulation in the Village. Written notice of the public hearing shall be served upon the special use permit grantee in the same manner as the notice of violations, as provided hereinabove.

155-8. Hardship Appeal.

The owner of any dwelling or unit located in the Village of Pittsford shall be entitled to appeal to the **Village of Pittsford Board of Trustees** any decision of the Building Inspector and/or Code Enforcement Officer regarding the limitations of this Chapter. ~~The procedure utilized for such an appeal shall be in accordance with Section 7-712-a of the Village Law of the State of New York. In considering and deciding such appeal, the Zoning Board of Appeals shall apply the following standards of review:~~

A. **Procedure:**

1. **Filing of administrative decision and time of appeal.** Any such decision shall be filed in the office of Village Clerk within five (5) business days from the day it is rendered and shall be a public record. The Code Enforcement Officer or Building Inspector shall forthwith transmit to the Board of Trustees all of the papers constituting the record upon which the decision appealed from was taken.

2. An appeal shall be taken within sixty (60) days after the filing of any such decision by filing with the Village Clerk a notice of appeal, specifying the grounds thereof and the relief sought.

3. Hearing on appeal. The Board of Trustees shall fix a reasonable time for the hearing of the appeal which shall be a public hearing and give public notice of such hearing by publication in a paper of general circulation in the Village at least five (5) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Village prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.

4. Time of decision. The Board of Trustees shall decide upon the appeal within sixty-two (62) days after the conduct of said hearing. The time within which the Board of Trustees must render its decision may be extended by mutual consent of the applicant and the Board.

5. Filing of decision and notice. The decision of the Board of Trustees on the appeal shall be filed in the office of the Village Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

B. In hearing and deciding such appeals, the Board of Trustees may overturn the decision of the Building Inspector or Code Enforcement Officer upon a showing of unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Trustees that for each and every permitted use under the zoning regulations for the particular district where the property is located:

1. The appellant cannot realize a reasonable return providing that lack of return is substantial as demonstrated by competent financial evidence; and

2. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood; and

3. That the alleged hardship has not been self-created.

C. Decision. In deciding the appeal, the Board of Trustees shall grant the minimum continued use of the property as a short-term rental that it deems necessary and adequate while at the same time preserving and protecting the character of the neighborhood and the health, safety and welfare of the community. In addition, the Board of Trustees shall be entitled to grant such conditions as it feels necessary and appropriate in permitting the continued use of the property as a short-term rental including the right to place a limitation of time on such continued use of the property as a short-term rental.

~~Appeals from such Decisions of the Building Inspector and/or Code Enforcement Officer regarding the requirements and limitations of Subsections 155-4.D and 155-4.E of this Chapter shall be heard and determined by the Zoning Board of Appeals as a use variance pursuant to Section 7-12 b of the Village Law of the State of New York.~~

155-9. Severability.

In the event that one or more of the provisions of this local law or chapter shall be deemed to be unenforceable, the remaining provisions of this local law or chapter shall remain in full force and effect.

Effective Date.

This local law shall take effect immediately upon its adoption by the Board of Trustees of the Village of Pittsford and the filing thereof with the New York Secretary of State.

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