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## Village of Hammondsport Short Term Rentals (STR) Study Group June 6, 2022 – September 8, 2022

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**I want to thank the community members who provided their time and commitment to studying this issue. Many hours of participant's time and expertise were given to this task, not only at meetings but also behind the scenes.**

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**Village of Hammondspport**  
**Short term rentals study committee**  
**June 6, 2022 – September 8, 2020**

**Objective**

*Develop a proposal for the Village Board's consideration for Village code revisions, if applicable, that are aligned with the 2020 Comprehensive Plan regarding short term rentals.*

The Village Comprehensive Plan includes the following objectives and outcomes that the committee focused on during their discovery and recommendation process:

➤ **PRESERVE AND STRENGTHEN VILLAGE HOUSING OBJECTIVES**

Desired Outcomes: • Growth in people living and working in Hammondspport • A stronger housing market with well-maintained properties • A wider variety of single-family and multifamily housing options

Action Items: Expand home repair resources, particularly to seniors in the Village, develop regulations to optimize the performance of short-term rentals (STRs) in the Village, support rehabilitation and investment of aging housing stock to maintain value and Village tax base.

➤ **RETAIN AND ATTRACT YOUNG PEOPLE AND FAMILIES**

Desired Outcomes: • An increase in younger families and individuals renting and owning in the Village of Hammondspport • An increase in the presence of young people in everyday Village activities such as restaurants, Village government, parks and waterfront activities, etc. • The Village is known as a desirable community for young people

Action Items: Develop incentive programs to attract young homebuyers

The Village Board established a committee to study the effects of short-term rentals (STRs) and to make recommendations for regulating short-term rentals. Our current code defines STRs as boarding home and bed and breakfast.

Current code is listed below:

122-1 Definitions:

**BED-AND-BREAKFAST ESTABLISHMENT**—An owner-occupied, one-family dwelling used for providing overnight accommodations and a morning meal to not more than 10 transient lodgers, containing at least two but not more than four bedrooms for such lodgers. **[Added 1-8-2002 by L.L. No. 1-2002]**

**BOARDINGHOUSE** — A rooming house available for lodging for periods not less than one day, nor more than 30 days, to the same occupants for the same dwelling. **[Amended 1-8-2002 by L.L. No. 1-2002; 4-9-2019 by L.L. No. 2-2019]**

The following current codes apply to the topic of regulating STRs:

Chapter 122 – Zoning; Article III Use Regulations 122-8 to 122-14 (Addendum A)

Chapter 122-25 Off-street parking spaces (Addendum B)

Chapter 96 – Site plan review (Addendum C)

Early in our discovery phase the work group brainstormed the positive and negative effects of Short-Term Rentals. The following are the results:

- Difficult for families to move to Hammondsport due to no industry.
- Industries –wineries, tourism
- Local businesses need more available workers
- People buying homes for STR that have been vacant
- Supports tourism businesses
- People will travel to jobs because Hammondsport is a great place to live
- Do STR pay room and sales tax? Steuben County room tax is optional (Yes, they are required to pay both Steuben County Room tax and NY Sales tax.)
- Housing market prices rising – need an economic balance
- Zoning protects properties - need to address properties not kept up
- Some visitors who have visited and stayed in a short-term rental return to purchase property to live in
- Need visitors and tourism to sustain village
- STR improve appearance of properties
- Some STR are rented all year long
- Need to verify current number of STR
- Boarding House Short Term Rentals do not require the owners to occupy the rental property. This has an impact on the community
- STR prosper tourism businesses
- Loss of non-tourism businesses for local residents
- Not about yes or no, need to create a balance
- STR brings more people - new markets
- Need to preserve sense of community
- There are residents who live here all year long and many of the tourism centered businesses are closed all winter
- No police reports for short term rentals
- Lack of volunteers for our services, ambulance, fire department
- School attendance declining

Our research:

In order to verify village properties operating as STR, extensive research of the residential housing stock was undertaken through a neighborhood survey, an internet search on a website that lists all village rentals being advertised on various vacation companies, and a review of the current special permit list. Our tracking system dates back to 2018. As of October 1, 2022, we were able to verify that there are 32 short-term rentals operating. Per the definitions above, 4 are Bed and Breakfasts and 28 are Boarding Houses located in the medium-density and low-density residential districts. Two of the four bed and breakfast properties and two of the 28 boarding houses do not have a special permit to operate.

The Census reports tell interesting stories about what has changed over 10 years. The market value of homes has increased. The committee can speculate that STRs may have had an impact on home prices. The increase in tourism could also impact home prices, and tourism has become a mainstay of the Village economic health.

According to our local assessor, there are 440 housing units in the Village of Hammondsport. Thirty-two (7.72%) of the housing units are utilized as vacation rentals. Of the 32 identified, four (4) do not have a special permit to operate. There are also four (4) additional boarding houses currently operating in the Business 1 and Business 2 district. Our code lists Boarding Homes as a permitted use in B1 and B2 and they do not require a special permit to operate.

From the NY State Education Department, school enrollment has decreased by 25.81% since 2011. School enrollment of students living in the Village over the same 10-year period has decreased by 22.16%. In 2010, the Hammondsport School District closed the Curtiss Elementary school building due to a decrease in enrollment from the previous 10 years. Based on the statistics, it is difficult to make the argument that this trend in school population is caused solely by vacation rentals, although it may contribute to the decline. Other factors that can be attributed to school enrollment are the median age of our population (refer to Comprehensive Plan), many homes are being bought by couples of retirement age, just to name a few and there is a nationwide decrease in the average size of families.

Steuben County enacted a local law imposing a tax on the occupancy of hotel or motel rooms pursuant to Chapter 374 of the Laws of 1987 of the State of New York. This local law shall be known as the Steuben County Hotel or Motel Room Occupancy Tax Law. On and after the first day of January, 1988, there is hereby imposed and there shall be paid a tax of 4% upon the rent for every occupancy of a room or rooms in a hotel or motel in the County, except that the tax shall not be imposed upon permanent residents, or exempt organizations. The Occupancy Tax applies to a building, or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" or "motel" includes an apartment hotel, motor court or inn, boarding house or club, or similar hotel or motel type of accommodations by whatever name designated, whether or not meals are served and shall include those facilities commonly known as "bed and breakfast" and "tourist" facilities.

The research included review of other municipalities' laws that regulate short-term rentals in tourist areas. The focus of our review of neighboring municipalities were regulations with emphasis on fire and safety inspections, an imposed cap applied to the number of permits issued and number of guests, to name of few.

Based on review of other municipal regulations, members were asked to provide their input on a number of issues deemed important for the Board to consider. (Addendum D) The items include:

- Permits – A Special Permit for an STR operation shall be valid for a period of 24 months from the date it is issued. It must be renewed prior to the expiration date to continue. A special permit issued for a STR operation is not transferable to a new owner.
- Density restriction – a cap on STR permits shall be up to \_\_\_% of the total residential units in the village. The total allowed permits will be revised on an annual basis.
- Operations – Each STR property shall have a designated 24-hour contact, such contact will have authority and responsibility to deal with any upcoming issues. Said person must be able to arrive at the property within 1 hour of the property.
- The STR property is not rented out solely for events such as wedding, parties, or large gatherings. Outdoor speakers and audio equipment shall not be permitted after 10pm.
- Parking and Safety – All STR properties are to follow all parking laws currently in effect.
- Insurance – All applicants and permit holders must provide evidence of insurance and certificate of liability insurance.
- Application Requirements – A list of all property owners and operators of the STR, including names, addresses, phone numbers and email addresses. This shall include signatures of all persons and entities with ownership interest in the property. Proof of registration with Steuben County, including the issued certificate of authority to collect occupancy tax.

- Good Neighbor Statement – The STR is in a residential area in the Village should be conscious of the residents in the neighboring homes. Rentals must comply with the village noise ordinance. Littering is illegal and indoor and outdoor fires must be attended at all times.
- Complaints – All complaints must be in writing to the code enforcement officer. After three verified complaints and/or violations, a STR permit shall be revoked. Appeals may be made to the zoning board.

At the September 8<sup>th</sup> meeting (our final meeting) the group brainstormed a final report of recommendations for regulations governing short term rentals. The group identified 12 issues the Village Board should consider when developing laws regulating STR. All members then voted on the top three issues. The top 3 issues were discussed and solutions were gathered considering what needs to be included in the code revision process.

**What do you think the Hammondsport code for boarding homes and bed and breakfasts (STR) fall short in our community?**

# Votes	Issue
13	Lacks a limit of STR in residential neighborhoods/lacks a cap
9	Dual use LTR and STR
8	Enforcement of Code
5	Zoning – it limits to MDR
4	No occupancy limits
2	No insurance requirements
1	Increase initial application fee, implement fee every 2 years
1	Define complaint process
1	Standard House Rules
0	Code doesn't define parking
0	Define permit transfer
0	Define revocation of permit

**Solutions**

**Lacks a limit of STR in residential neighborhoods/lacks a cap**

- ✓ Allow in all zones in the Village
- ✓ Determine a self-leveling off percent of STRs
- ✓ Follow the comprehensive plan
- ✓ Get a consensus from village residents
- ✓ Evaluate fee structure

**Dual use LTR and STR or STR to LTR**

- ✓ Requirements should be the same
- ✓ Should not be considered as separate business
- ✓ This is to protect the owner
- ✓ Local hospitals, Corning Inc., etc. bring in employees for 2+months (which is technically an LTR) who want to rent a furnished place to stay. But its homeowner only has STR permit it creates complications.
- ✓ Dual use supports comprehensive plan that supports remote/hybrid workers allowing above to be true.

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## **Enforcement of Code**

- ✓ The code needs to address noise, maintenance, parking
- ✓ Hire additional code enforcement
- ✓ Allocate appropriate time to be proactive instead of reactive
- ✓ Maintain an accurate list of STR operating in the residential districts
- ✓ Maintain a schedule for inspections and record of any complaints

Report prepared by Jean Jensen, Mayor  
10/24/2022

### **Attachments:**

Addendum A - Chapter 122 – Zoning; Article III Use Regulations 122-8 to 122-14

Addendum B - Chapter 122-25 Off-street parking spaces

Addendum C - Chapter 96 – Site plan review

Addendum D – Codes and Regulations to Consider for Short -Term Rentals (STR)

## Chapter 122. Zoning

### Article III. Use Regulations

#### § 122-8. Prohibited uses.

In each use district, all uses, except those already established at the time this chapter is passed, are prohibited unless specifically permitted.

#### § 122-9. LDR District.

- A. In the LDR District, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:
- (1) Permitted principal uses.
    - (a) Single-family dwellings.
    - (b) Agriculture, but not animals.
  - (2) Accessory uses.
    - (a) Home occupation uses.
    - (b) Accessory uses customarily incidental to a permitted principal use, such as residential garages and storage structures, swimming pools, fireplaces, trellises, lampposts, carports and similar structures.
    - (c) Waterfront property.  
[Added 6-9-1992 by L.L. No. 1-1992]
      - [1] Any owner of noncommercial waterfront real property may locate thereon one boathouse which cannot exceed a height of 16 feet and one dock which cannot exceed more than 40 feet in length into the lake measured perpendicularly from the mean low-water mark.
      - [2] Any dock constructed or altered shall maintain a minimum setback of 10 feet from adjacent property lines as projected in a straight line from the mean high-water mark to the nearest point of change in direction of said line of more than 2°, plus or minus, in each such adjacent property line.
      - [3] No dock shall be constructed in any configuration other than straight, F-, L-, T- or U-shaped, and its total surface area shall not exceed 700 square feet of which no portion of the dock can exceed eight feet in width.
  - (3) Special permit uses.
    - (a) Nursing home: convalescent home.
    - (b) Professional offices.



- (c) Funeral homes.
- (d) Churches.
- (e) Schools.
- (f) Day nurseries.
- (g) Cultural facilities, e.g., libraries.
- (h) Upon securing prior special permit approval, a waterfront property owner may engage in the commercial mooring of a reasonable number of boats or the rental of a reasonable number of boat slips.  
[Added 6-9-1992 by L.L. No. 1-1992]

B. Purpose. The purpose of the LDR District shall be to maintain light residential density in areas not suited for greater populations or commercial uses.

## § 122-10. MDR District.

A. In the MDR District, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:

(1) Permitted principal uses.

- (a) Single- and two-family dwellings.
- (b) Agriculture, but not animals.
- (c) Municipal parks and playgrounds.

(2) Accessory uses.

- (a) Home occupation uses.
- (b) Accessory uses customarily incidental to a permitted principal use, such as residential garages and storage structures, swimming pools, fireplaces, trellises, lampposts, carports and similar structures.

(3) Special permit uses.

- (a) Nursing home, convalescent home.
- (b) Professional offices.
- (c) Funeral homes.
- (d) Schools.
- (e) Churches.
- (f) Day nurseries.
- (g) Multiple-family dwellings.
- (h) Cultural facilities.
- (i) Boardinghouse.  
[Amended 4-9-2019 by L.L. No. 2-2019]
- (j) Bed-and-breakfast establishments.  
[Added 1-8-2002 by L.L. No. 1-2002]

B. Purpose. This district is designed as the primary residential dwelling area of the village.

## § 122-10.1. LFRD Lakefront Residential District.

[Added 8-9-1994 by L.L. No. 1-1994; amended 9-27-1995 by L.L. No. 6-1995]

The following terms shall have the meanings indicated:

A. Definitions. As used in this zoning classification:

### **CONDOMINIUM**

An apartment house or houses, the apartments or dwelling units of which are individually owned, each owner receiving a deed enabling him/her to sell, mortgage or exchange his/her apartment independent of the owners of the other apartments in the building or buildings.

### **COOPERATIVE**

A form of ownership in real property providing joint control over property in which each resident has an interest in the entity which owns the building and a lease or occupancy agreement entitling him/her to occupy a particular apartment within the building.

### **FRONT YARD DEPTH**

The distance as measured from the mean low-water mark to the foundation of the building.

### **REAR YARD DEPTH**

When said property line is located adjacent to a street, that distance as measured from the curb or edge of pavement located on the opposite side of said street to the foundation of the building. When said property line is located adjacent to a neighboring property line, said distance shall be measured from the property line to the foundation of the building.

### **TIME SHARE**

The selling of shares to tenants where those tenants obtain the rights of use and occupancy in a dwelling unit on a transient basis.

B. In the LFRD District, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:

(1) Permitted principal uses.

(a) Single- and two-family dwellings.

(b) Multiple-family dwellings, including townhouses/townhomes, condominiums and cooperatives but specifically restricting time share units.

(c) Agriculture, but not animals.

(d) Municipal parks and playgrounds.

(2) Accessory uses.

(a) Home occupation uses.

(b) Accessory uses customarily incidental to a permitted principal use, such as residential garages and storage structures, swimming pools, fireplaces, trellises, lampposts, carports and similar structures.

(c) Waterfront property.

[1] Any owner of noncommercial waterfront property may locate thereon one boat slip per family dwelling unit with no dock exceeding more than 100 feet in length into the lake perpendicularly from the mean low-water mark.

[2] Any dock constructed or altered shall maintain a minimum setback of 10 feet from adjacent property lines as projected in a straight line from the mean high-water mark to the nearest point of change in direction of said line of more than two degrees, plus or minus, in each such adjacent property line.

(3) Special permit uses.

(a) Professional offices.

(b) Churches.

(c) Cultural facilities.

(d) Upon securing prior special permit approval, a waterfront property owner may engage in the commercial mooring of a reasonable number of boats or the rental of a reasonable number of boat slips.

C. Purpose. The purpose of the LFRD District is to provide a district that has lower density than an HDR District and is flexible enough to allow for development of unique property located on the lakefront.

## § 122-11. HDR District.

A. In the HDR District, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:

(1) Permitted principal uses.

(a) Single- and two-family dwellings.

(b) Multiple-family dwellings.

(c) Agriculture, but not animals.

(2) Accessory uses.

(a) Home occupation uses.

(b) Accessory uses customarily incidental to a permitted principal use, such as residential garages and storage structures, swimming pools, fireplaces, trellises, lampposts, carports and similar structures.

(3) Special permit uses.

(a) Camps, cottages, resorts.

(b) Churches.

(c) Day nurseries.

(d) Cultural facilities.

B. Purpose. This area is designed to accommodate a higher density of dwelling units per acre than other segments of the community.

## § 122-12. B-1 and B-2 Districts.

[Amended 6-9-1992 by L.L. No. 1-1992; 2-13-2001 by L.L. No. 1-2001; 3-8-2005 by L.L. No. 5-2004; 5-11-2010 by L.L. No. 1-2010]

A. In the B-1 and B-2 Districts, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:

(1) Permitted principal uses.

- (a) Nonprofit club or recreational use.
- (b) Public utilities.
- (c) Professional offices.
- (d) Retail businesses.
- (e) Laundromat.
- (f) Hotel, restaurant.
- (g) Bar, nightclubs.
- (h) Dance halls, skating rinks.
- (i) Funeral homes.
- (j) Apartment/boardinghouse will be permitted on the first floor, provided the area is not a storefront, currently or in the past, and is not, or has not, been utilized for any of the purposes allowed under the B-1 or B-2 zoning designations. Upper floors may be utilized as an apartment/boardinghouse.  
[Amended 3-10-2020 by L.L. No. 1-2020]
- (k) Newspapers and printing shops.
- (l) Motels, hotels, parking lots.
- (m) Municipal parks and playgrounds.
- (n) Radio and television studios.

(2) Accessory uses.

- (a) Accessory uses customarily incidental to a permitted principal use.

(3) Special permit uses.

- (a) Automobile storage and mechanical repairs in enclosed building.
- (b) Gas stations.
- (c) Equipment rentals or sales.
- (d) Wholesale businesses in enclosed building.
- (e) Churches.
- (f) Schools.
- (g) Cultural facilities.
- (h) Libraries.
- (i) (Reserved)
- (j) (Reserved)
- (k) Adult bookstores and businesses which sell or display adult movies may be permitted, but not within 2,000 feet of any school property, park, church or residence.

B. Supplemental notes on use regulations.

- (1) Business 1 provides for more vehicle parkings and, in general, building density shall be restricted.
- (2) Business 2 shall be a Core Business District planned for heavy pedestrian traffic and restricted vehicular traffic.

## § 122-13. I District.

A. The purpose of the I District shall be to permit manufacturing, processing and warehousing not requiring extensive facilities or generating heavy traffic nor requiring major access.

B. In the I District, no structure shall be erected or altered and no structure or land shall be used except for one or more of the following specified uses:

- (1) Permitted principal uses. Any use of an industrial nature which involves only the processing, assembly or packaging of previously prepared or refined materials when conducted within an enclosed building. The following uses are indicative of the kinds of uses intended to be permitted:
  - (a) Machinery manufacturing, such as carburetor and small machine parts, cash registers, sewing machines, typewriters and other office machines.
  - (b) Fabrication of metal products, such as baby carriages, bicycles, metal foil, tin, aluminum, gold, metal furniture, musical instruments and sheet metal products.
  - (c) Fabrication of paper products, such as bags, book bindings, boxes, packaging material and office supplies, and processing of pharmaceutical and cosmetic products.
  - (d) Fabrication of wood products, such as boats, boxes, cabinets, toys, etc.
  - (e) Food and associated industries, such as bakeries, bottling, food and cereal mixing, food packaging, ice cream manufacturing and research laboratories.
  - (f) Laundry and dry cleaning; warehousing and storage of goods and products, such as building materials and farm supplies.
  - (g) Automotive service, including sales, repairs, washing, service stations, garages and parking lots.
- (2) Accessory uses. Garage and storage buildings for vehicles, equipment or materials; parking signs.
- (3) Prohibited uses. Any use of any structure or premises which is obnoxious or offensive by reason of the emission of odor, dust, smoke, fly ash, toxic fumes, radiation, gas, noise, vibration or excessive light or any combination of the above, or which is dangerous and prejudicial to the public health, safety or general welfare or in any way detrimental to a wholesome living environment, shall be prohibited in all districts. The following uses are indicative of the kinds of uses prohibited:
  - (a) The manufacturing of articles involving celluloid.
  - (b) The manufacturing of coke and the storage of coal or coke except for on-premises use.
  - (c) The storage or accumulation of garbage, dead animals or refuse except in amounts normally accumulated for scheduled pickup at least weekly.
  - (d) The storage of natural gas (except propane) in excess of 10,000 cubic feet, or the storage of gasoline in an amount in excess of that necessary for a retail gasoline station.

- (e) The storage or manufacture of gunpowder or explosives.
- (f) Junkyards or the storage of scrap metals, paper or rags.
- (g) The storage or processing of rawhide or skins.

## § 122-14. Parks and recreation.

[Amended 3-12-1991 by L.L. No. 3-1991; 12-11-2001 by L.L. No. 2-2001]

- A. Use of Village parks for special events of three days or less is to be conditioned, coordinated and approved by the Village Board without application for either zoning, site plan review or special use permit.
- B. Permitted uses. Parks and recreation areas are to be used for only recreational purposes. Special events of three days or less, designated by the Village Board per Subsection A above, are also permitted uses. All parks and recreation areas, except for the existing boat launch facility, shall be limited to nonmotorized and pedestrian traffic, except on designated parking lots.
- C. Village parks include the following areas:
  - (1) Area 1: Pulteney Square (Tax Map ID No. 118.06-01-064.000). This area is bounded by Park Place on the west, by Pulteney Street on the north, by Mechanic Street on the east, and by Shethar Street on the south.
  - (2) Area 2: Liberty Park (Tax Map ID No. 118.06-02-052.000). This area is bounded by Liberty Park Street on the west, by Lake Street on the north, by Mechanic Street on the east and by Liberty Park Street on the south.
  - (3) Area 3: Head of the Lake (Tax Map ID No. 118.06-01-050.200). This area is bounded by Water Street on the west, by the Glen Brook Flume and Glen Brook Creek on the north, by Keuka Lake on the east, and by private lands on the south.
  - (4) Area 4: Municipal Building Grounds (Tax Map ID No. 118.10-01-001.000). This area is bounded by Main Street on the west, by Lake Street on the north, by the lands of the Methodist Parsonage and private lands on the east, and by Liberty Street on the south.
  - (5) Area 5: Grape Street Park (Tax Map ID No. 118.09-01-048.000). This area is bounded by alley and private lands on the west, by private lands and Grape Street on the north, by private lands on the east, and by private lands on the south.
- D. Any new proposed recreational use of Village parks shall be reviewed for authorization per applicable Hammondsport Village codes.

## Chapter 122. Zoning

### Article V. Performance Standards

#### § 122-25. Off-street parking spaces and loading areas.

In all districts, off-street automobile parking spaces and truck loading areas for the various permitted uses shall be required at the time any of the main buildings or structures of such uses are constructed or altered, as follows:

- A. Required off-street automobile parking spaces. The minimum cumulative number of spaces shall be determined by the amount of dwelling units, bedrooms, floor area, members, equipment, employees and/or seats contained in such new buildings or structures or added by alteration of buildings or structures, and such minimum number of spaces shall be maintained by the owner of such buildings or structures as follows:
  - (1) Office, business and commercial uses.
    - (a) For retail business or service, bank or post office: one space for each 200 square feet of customer floor space.
    - (b) For office, including professional, personal service, public utility or public: one space for each 300 square feet of gross office floor area.
    - (c) For restaurant, bar or nightclub: one space for each five seating capacity.
    - (d) For motels, hotels, boardinghouses, tourist homes, etc.: one space for each accommodation, plus one space for each employee and one for family in permanent residence.
    - (e) For any commercial use: one space for each company vehicle.
    - (f) For necessary business or commercial purposes: off-street loading areas adequate to meet loading needs.
  - (2) Residential uses.
    - (a) For single-family, two-family and multifamily dwellings, including apartments: one space for each dwelling unit or family.  
[Amended 6-9-1992 by L.L. No. 1-1992]
  - (3) Industrial uses.
    - (a) All types of manufacturing, storage and wholesale: one space for every two employees on the largest shift for which the building is designed, plus one for each motor vehicle used in the business.
  - (4) Institutional uses.
    - (a) Churches and places of religious assembly: one space for each five persons' capacity.

- (b) Hospitals, sanatoriums, nursing homes, children's homes and similar uses: one space for each three beds, plus one for each employee per largest shift.
  - (c) Libraries, museums and other cultural facilities: one space for each 400 square feet of floor area.
- B. Off-street parking exception. In the Core Business District, there shall be no requirement for changed, new or expanded office, business or commercial uses as long as a property does not reduce its own existing parking to a point less than the general requirement of Subsection **A**.
- C. Off-street parking of vehicles in the area between the building's front foundation line and the street is prohibited. Attached garages are deemed to be excluded. Any exceptions from this prohibition shall require a special permit.
- [Added 6-9-1992 by L.L. No. 1-1992]



## Chapter 96. Site Plan Review

[HISTORY: Adopted by the Board of Trustees of the Village of Hammondsport 6-13-1991 as L.L. No. 4-1991. Amendments noted where applicable.]

### GENERAL REFERENCES

Building construction — See Ch. 42.

Fees — See Ch. 57.

Flood damage prevention — See Ch. 63.

Subdivision of land — See Ch. 104.

Zoning — See Ch. 122.

### § 96-1. Statutory authority.

The Village Board of the Village of Hammondsport, Steuben County, New York, does hereby ordain and enact the Village of Hammondsport Site Plan Review Law pursuant to the authority and provisions of § 10 of the Municipal Home Rule Law and § 7-725 of the Village Law.

### § 96-2. Title.

This chapter shall be known as the "Village of Hammondsport Site Plan Review Law." The Village of Hammondsport is hereinafter sometimes referred to as the "village."

### § 96-3. Purpose.

- A. The Village of Hammondsport believes that a clean, wholesome, attractive environment is of paramount importance to the health, safety and general welfare of this community and that such an environment is deemed essential to the maintenance and continued orderly development of the village and to the general welfare of its inhabitants.
- B. This legislation is designed to ensure the optimum overall conservation, protection, preservation, development and use of its natural and man-made resources by regulating land use activity by means of the review and approval of proposed plans for land use activity within the village.
- C. Accordingly, the stated purpose of this legislation is to ensure that any proposed development and use of land within the incorporated area of the Village of Hammondsport will have a harmonious relationship with the existing or permitted use of contiguous land and of adjacent neighborhoods and to ensure that the health, safety, welfare, comfort and convenience of the public are fully considered, as well as assure that necessary provisions are made for traffic generation, means of access, parking, building placement, protection of adjoining buildings and uses, screening, appropriate preservation of the Keuka Lake view corridor from village streets and residences, general avoidance of unpleasant visual impacts, recreation, signs, sewage disposal systems, water supply, storm drainage, landscaping and architectural intent.

### § 96-4. Authorization and jurisdiction.

- A. The Village Board hereby delegates to the Planning Board the authority to review, pursuant to this chapter, including any amendments and modifications thereof, all site plans for those land uses and activities within the village as set forth herein.
- B. Specifically, the Planning Board shall have the power to review and approve, approve with modification or disapprove site plans for residential, commercial, industrial and any other development or use of land or lands and buildings and for open land uses and for any change in use or intensity of use which will, or will be most likely to, affect the characteristics of the site in terms of parking, means of access, loading and/or unloading of goods, equipment and/or persons, drainage, utilities or other municipal services.
- C. Before application for a building permit for the construction or reconstruction of, addition to or additional development or redevelopment of a residential building, commercial building, industrial building or other development of or use of land or land and buildings, signs as part of sites to be developed or redeveloped or open land uses, the owner shall submit a plan or map of the site to the Planning Board for its review. Each plan or map which is finally approved and which has been endorsed by the Chairman of the Planning Board shall be filed in the official Planning Board file and in the Village Clerk's office, together with the required number of additional copies as required.
- D. Whenever anyone proposes to erect, alter, extend or enlarge a building or structure or to change, enlarge or extend its use, including the land area around it, or whenever anyone proposes to change, enlarge, extend or increase the intensity of any land use, he shall not commence doing so until such proposal has been submitted, in written form, to the Planning Board for its prior review and obtained its approval.
- E. Any person who is uncertain as to the applicability of this chapter to a given land use activity may apply, in writing, to the Planning Board for a written jurisdictional determination.

## § 96-5. Applicability.

All land use activities within the village shall require site plan review and approval before being undertaken, except the following:

- A. Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this chapter.
- B. Ordinary repair or maintenance or interior alterations to existing structures or uses.
- C. Nonstructural agricultural or gardening uses not involving substantial timber cutting.
- D. Garage, lawn and porch sales not exceeding three days. If such sales take place more often than three times in any calendar year, site plan approval will be required.

## § 96-6. Effect on existing uses and structures.

- A. Any lawfully erected or placed structure or lawful use in existence as of the date when this chapter becomes effective shall not be subject to its provisions insofar as relates to its status and condition nor to the extent of the actual usage on said effective date. Specifically, it is the intent of this legislation that any proposed change, increase, enlargement or extension of the status and condition and/or any increase in the intensity of the usage of any buildings or land area or land and buildings beyond that which actually existed on the effective date of this chapter shall first require a review hereunder. Furthermore, any use otherwise subject to this chapter which has been discontinued for a period of two years or more shall be subject to review pursuant to the terms of this chapter before such use is resumed.
- B. Existing nonconforming residential or commercial uses of land or of buildings or of land and buildings shall not be expanded, nor shall the intensity of their use be increased, without first

having received a use variance pursuant to the local Zoning Law.<sup>[1]</sup>

[1] *Editor's Note: See Ch. 122, Zoning.*

- C. It is, however, provided that no use of land or of building or of land and buildings which is contrary to the community's Comprehensive Development Plan shall be permitted.

## § 96-7. Effect on other provisions.

This chapter shall in no way affect the provisions of any other federal, state, county or local laws or regulations. Whenever this chapter is in conflict with any other such law or regulation, the more restrictive shall apply.

## § 96-8. Definitions; word usage.

- A. As used in this chapter, the following terms shall have the meanings indicated:

### **FAMILY**

One or more persons occupying the premises and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity or hotel.

### **LAND USE ACTIVITY**

Any construction or other activity which changes the use or appearance of land or a structure or the intensity of use of land or a structure or land and structure in concert. "Land use activity" shall explicitly include, but not be limited to, the following: new structures, expansions to existing structures, new uses, changes in or expansions of existing uses, roads, driveways and excavations for the purpose of extracting soil or mineral deposits.

### **ONE-FAMILY DWELLING**

A complete, self-contained residential unit for permanent habitation by one family only, and containing one or more rooms and facilities for living, including cooking, sleeping and sanitary needs.

### **SHORELINE**

The mean high-water mark of any lake, pond, river or permanent stream.

### **STRUCTURE**

Any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, tanks and any fixtures, additions and alterations thereto.

### **STRUCTURE, ACCESSORY**

Any structure designed to accommodate an accessory use but detached from the principal structure, such as a freestanding garage for vehicles accessory to the principal use, a storage shed, garden house or similar facility; also included in this definition is a dock, deck or other structure, with or without the presence of any principal structure, which is located or placed partially on the land and leads to a place in the water where a boat is or may be moored or provides access for fishing or for any other use, recreational or otherwise.

### **TWO-FAMILY DWELLING**

Two complete but separate self-contained residential units, each intended for permanent habitation by one family only, in a single structure having a common roof, wall or ceiling and containing separate rooms and facilities for living, including cooking, sleeping and sanitary needs.

### **WATERFRONT AREA**

That area bounded generally by Water Street, Mill Street and the southern limits of the lands of the Bath and Hammondsport Railroad Company on the west; the Glenbrook Flume on the north; the Inlet on the south and Lake Keuka on the east.

- B. Any term used in this chapter which is not defined hereinabove shall carry its customary meaning unless the context otherwise dictates.

## § 96-9. Compliance required.

Prior to undertaking any new land use activity, except uses specifically excepted in § 96-5 of this chapter, a site plan approval by the Planning Board is required. Applicants for site plan approval should follow the recommended procedures related to the concept review conference as hereinafter set forth. Applicants must comply with all other procedures and requirements of this chapter.

## § 96-10. Concept review conference.

This concept review conference shall be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of his proposal prior to the preparation of a detailed site plan, and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant shall provide the following:

- A. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations.
- B. An area map showing the parcel under consideration for site plan review and all properties, subdivisions, streets, right-of-way, easements and other pertinent features within 200 feet of the boundaries of the parcel.
- C. A reasonably specific written statement as to the proposed scope and extent of any proposed expansion or enlargement of or increase in the intensity of the use of any building or structure or land or buildings/structures and land area adjacent thereto.

## § 96-11. Application requirements.

- A. An application for site plan approval shall be made, in writing, to the Chairman of the Planning Board and shall be accompanied by information contained in the following checklist. When the concept review conference is held, the accompanying information shall be drawn from the following checklist as determined necessary by the Planning Board at said concept review conference.
- B. Site plan checklist. The site plan checklist shall be as follows:
- (1) A title of the drawing, including the name and address of the applicant and the person responsible for preparation of such drawing.
  - (2) A North arrow, scale and date.
  - (3) Boundaries of the property, plotted to scale.
  - (4) Existing buildings.
  - (5) A grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics and watercourses.

- (6) The location, design, type of construction, proposed use and exterior dimensions of all buildings.
- (7) The location, design and type of construction of all parking and truck loading areas, showing access and egress.
- (8) Provision for pedestrian access.
- (9) The location of outdoor storage, if any.
- (10) The location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
- (11) A description of the method of sewage disposal and the location, design and construction materials of such facilities.
- (12) A description of the method of securing public water and the location, design and construction materials of such facilities.
- (13) The location of fire and other emergency zones, including the location of fire hydrants.
- (14) The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- (15) The location, size and design and type of construction of all proposed signs.
- (16) The location and proposed development of all buffer areas, including existing vegetative cover.
- (17) The location and design of outdoor lighting facilities.
- (18) Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
- (19) A general landscaping plan and planting schedule.
- (20) An estimated project construction schedule.
- (21) A record of an application for and the status of all necessary permits or variances from other governmental bodies.
- (22) Identification of any permits or variances from other governmental bodies required for the project's execution.
- (23) Other elements integral to the proposed development as may be considered necessary in the particular case by the Planning Board.

## § 96-12. Fee.

[Amended 4-9-2019 by L.L. No. 3-2019]

A fee for site plan review is set forth on a fee schedule established by resolution of the Board of Trustees of the Village. Such fee schedule may thereafter be amended from time to time by like resolution. The schedule of fees shall be posted in the Village Clerk's Office.

## § 96-13. Additional costs; payment required.

- A. All costs incurred by the Planning Board for consultation fees in connection with the review of a proposed site plan shall be charged to the applicant and shall be determined in a manner consistent with the fees charged for these respective services which are then prevailing in the general area of the community. Disbursements chargeable to the applicant shall be those actually, necessarily or reasonably incurred in connection with the particular application under consideration.

- B. No final action shall be taken by the Planning Board or by any village official on any application subject to the requirements of this chapter unless and until all fees and deposits required hereunder shall have been paid. Any failure/omission to submit the full payment required shall render the application incomplete.

## § 96-14. General review considerations.

The Planning Board's review of the site plan shall include, as appropriate, but shall not be limited to, the following general considerations:

- A. The location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- B. Adequacy and arrangement of vehicular traffic access and circulation, including street widths, intersections, traffic problems on adjoining streets, pavement surfaces, dividers and traffic controls as well as the proximity to places of public assembly.
- C. The location, arrangement, appearance and sufficiency of off-street parking and loading.
- D. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- E. Adequacy of stormwater and drainage facilities.
- F. Adequacy of water supply and sewage disposal facilities.
- G. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- H. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- I. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- J. Overall impact on the neighborhood, including compatibility of design considerations and/or any actual or potential adverse aesthetic environmental impacts.
- K. Documentation that the proposal is compatible with the objectives of the village's Comprehensive Development Plan.
- L. Any other factor found to be detrimental to the public health, safety or general welfare of the community as it relates to one of the specifically enumerated elements which the Planning Board is authorized, pursuant to Village Law § 7-725, Subdivision la, to consider in reviewing a site plan.
- M. Appropriate review as may be required by the need to satisfactorily comply with the provisions and requirements of the New York State Environmental Quality Review Act (SEQRA). Until final SEQRA determinations have been made, no final site plan approval shall be granted.
- N. At any stage in the review process when there appears to the Planning Board a situation which would not be in conflict with the purposes and policies set forth herein, then, to the extent permitted by law, the Planning Board may, by the affirmative vote of 2/3 of its total voting power, elect to waive its review jurisdiction. Also, an applicant may request the Planning Board to exercise this waiver process.

## § 96-15. Specific review standards.

The following specific standards shall apply in conjunction with the subject uses or in the designated areas:

- A. All construction on any shoreline lot shall be carried out in such manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased runoff of ground- and surface water into the waterway, to remove only that vegetation which is necessary to the accomplishment of the project and to generally maintain the existing aesthetic and ecological character of the shoreline.
- B. No on-site sewage tile field or seepage pit shall be located within 100 feet of any shoreline, and no septic or other holding tank shall be located within 100 feet of any shoreline, as measured from the normal high-water mark of the waterbody.
- C. Any boat pump-out or other connection to provide for the accommodation of sanitary wastes shall be connected to an approved disposal system.
- D. Any paved or otherwise improved parking, loading or service area within 100 feet of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or earthen siltation into the waterway.

## § 96-16. Public hearing.

The Planning Board shall conduct a public hearing on the site plan. Such hearing shall be held within 60 days of the receipt of a completed application for site plan review and shall be advertised in the village's official newspaper at least 10 days before the public hearing.

## § 96-17. Decision.

Within 60 days after the conclusion of the public hearing, the Planning Board shall render a decision. In its decision the Planning Board may approve, approve with modification or disapprove the site plan. The time period in which the Planning Board must render its decision can be extended by mutual consent of the applicant and the Planning Board.

- A. Approval. Upon approval of the site plan and payment by the applicant of all fees and reimburseable costs due the village, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file it and a written statement of approval with the Village Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.
- B. Approval with modifications. The Planning Board may conditionally approve the final site plan. A copy of the written statement containing the modifications required by the conditional approval will be mailed to the applicant by certified mail, return receipt requested. After adequate demonstration to the Planning Board that all conditions have been met, and payment by the applicant of all fees and reimbursable costs due the village, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file it and a written statement of approval with the Village Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.
- C. Disapproval. Upon disapproval of the site plan, the decision of the Planning Board shall immediately be filed with the Village Clerk and a copy thereof mailed to the applicant by certified mail, return receipt requested, together with the Planning Board's reasons for disapproval.

## § 96-18. Appeal.

Any person aggrieved by any decision of the Planning Board or any officer or department, board or bureau of the village may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after the filing of a decision in the office of the Village Clerk.

## § 96-19. Enforcement officer.

The Village Board may appoint an enforcement officer to carry out the duties assigned by this chapter or by any additional regulations adopted pursuant to § 96-20 hereof. If appointed, the enforcement officer shall be responsible for the overall inspection of site improvements, including coordination with the Planning Board and other officials and agencies, as appropriate.

## § 96-20. Additional regulations.

The Planning Board may, after a public hearing, adopt such further rules and regulations as it deems reasonably necessary to carry out the provisions of this chapter.

## § 96-21. Amendments.

- A. The Village Board may on its own motion, on petition or on recommendations of the Planning Board, after public notice and hearing, amend this chapter pursuant to all applicable requirements of law.
- B. All proposed amendments originating by petition or by motion of the Village Board shall be referred to the Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within 60 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

## § 96-22. Integration of procedures.

Whenever the circumstances of proposed development require compliance with this Site Plan Review Law and with any other local law, ordinance or requirement of the village, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this chapter with the procedural and submission requirements for such other compliance.

## § 96-23. Penalties for offenses.

Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this chapter or any conditions imposed by a permit pursuant hereto shall be guilty of an offense and subject to a fine not exceeding \$250 or imprisonment for a period not to exceed 15 days, and/or both such fine and imprisonment. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.



## CODES AND REGULATIONS TO CONSIDER FOR SHORT TERM RENTALS (STR)

1. **Permits – A Special Use permit for an STR operation shall be valid for a period of 24 months from the date it is issued. It must be renewed prior to the expiration date to continue. A special use permit issued for a STR operation is not transferable to a new owner. Thoughts?**

- Agree
- Permit should be transferred to new owner.
- Good
- Agree
- Who will enforce this? And invalid if not used in 6 months?
- Absolute
- (1) Agree non-transferable (2) assume no current expiration dates on current permits. Current permit holders will have 12 months to go back through permitting process once new code is enacted. (3) what is penalty for operating without a permit, (4) \$ for permit?
- Agree with renewable every 24 months. Can be transferred to new owner, but new owner must register STR use within 3 months of purchase.
- Set date January 1 – December 31 each year. Yes, permit transferrable
- Agreed

2. **Density restriction – a cap on STR permits shall be up to \_\_\_\_\_% of the total residential units in the village. The total allowed permits will be revised on an annual basis.**

- 17%
- 100%
- 20% (would like 19% but don't know how to go back.
- % Change based on changes in # of properties in village.
- We feel this should be reviewed by legal counsel to ensure there is no discrimination to STR owners.
- I think 20%
- 17.5%
- 15% while owners are on waiting list, they can do long-term rentals to generate income
- 15%
- 10% is to many – identify # actually being used
- 15%

**Once the number of applications reach the number of allowed permits, the remaining will be placed on a waiting list. On a first come first served basis.**

- Yes, a cap
- Good
- Be careful not to target STR owners.

- Yes, as long as there is a way for STR owners to notify village that they are selling their property

**If, yes for a cap% why?**

- Keep a balance in the village.
- It would level off below 50%, but owners should have the opportunity.
- Keeps housing available for residential. 20% is possible manageable for village employees
- Balance of the community
- Continue supporting tourism and private/long term rentals
- Recognizes the economics of tourism in our community
- Keeps our town a community

**3. Operations – Each STR property shall have a designated 24-hour contact, such contact will have authority and responsibility to deal with any upcoming issues. Said person must be able to arrive at the property within 1 hour of the property.**

- Agree
- One hour is too short of a timeframe. The owner should be the point of contact not a designated party without contact to owner first.
- Good
- LTR should follow the same rule
- 30 minutes
- Said person must be able to arrive at the property within 2 hours of the property. A wise owner would want somebody to call who could be there in 10 minutes but not everybody sees it that way
- Yes, designated contact for verbal and contact decides urgency of addressing the issue.
- Shorter time than 1 hour

**4. The STR property is not rented out solely for events such as wedding, parties, or large gatherings. Outdoor speakers and audio equipment shall not be permitted after 10pm.**

- Occupancy cap, no more than 10 people.
- Normal noise ordinance compliance only should depend on lot size. The owner should be the point of contact not a designated party without contact to owner first.
- Good
- Agreed, but we do think an hour might be tight depending on unforeseen circumstances.
- We have a code to cover noise – don't feel that village should have more restrictions for rentals
- Agree
- Would prefer 9 pm but current code says 10 pm

- Yes
- We need to be careful of what constitutes a violation, if a neighbor does not like STR's they could file a complaint based on light conversation on a deck at 11 pm that may not be loud or disturbing, but counts as towards the three maximum. This could create lots of "tit for tat" complaints
- Will enforcer reach out to STR owner and complainant within 2 – 3 days? To inform complainant after complaint
- Planning Board
- How long does someone have to resolve a violation. Zoning board must have flexibility to meet with person.
- Already have a complaint process both anonymous or name recorded with COE. Decision on validity made by CEO. Appeal is handled by Board of Trustees.
- Specific board – ZBA gives away too many things

### **Other**

- there are other items listed in the Watkins code which would be good for the village board to consider.
- It is important for septic purpose that there be a limit on the # of guests for each STR. A maximum of guests allowed day or night for each STR. Perhaps for 2 – 3 bedrooms septic inspections should occur every 5 years after initial permit inspection.
- Would we consider establishing a "business water" rate for STR. It could generate extra \$ for water department and reflect the additional burden on the water plant equipment generated by large occupying STRs?
- Does application process include inspection of house code/safety issues, i.e., Electrical and plumbing
- Add occupancy maximum – this is a septic issue and possibly a noise issue. Protect the lake and our neighbors