

## Changes Made Between 01/16/2018 and 10/16/2017 Drafts

Page 2 – Revised definition of Accessory Apartment, per GML §239 comments by Tompkins County Planning Department (11/08/2017).

Page 6 – Deleted definition for Coop, Chicken.

Page 7 – Revised definitions for Dwelling and Dwelling Unit

Page 11 – Revised definition of Invasive Species, per GML §239 comments by Tompkins County Planning Department (11/08/2017).

Page 13 – Changed One-Family Dwelling to One-Family Residence

Page 14 – Added definition for Residence.

Page 15 – Deleted definition for Run, Chicken.

Page 15 – Added definition for Short Term Rental.

Page 16 – Revised definition of Stream, Intermittent and deleted definition of Stream, Perennial, per GML §239 comments by Tompkins County Planning Department (11/08/2017).

Page 18 – Changed Two-Family Dwelling to Two-Family Residence.

Page 22 – § 5.1.A – Replaced “dwelling” with “residence.”

Pages 22 to 23 – § 5.2.B – Replaced “dwelling” with “residence;” revised “sometimes described by Tompkins County” to “identified by the Tompkins County Department of Assessment,” per GML §239 comments by Tompkins County Planning Department (11/08/2017).

Page 23 – Added Occupancy Matrix.

Page 23 – § 5.2.L – Revised to read: “Use of a dwelling unit or a portion of a dwelling unit for short term rental is permitted only when the residence containing the dwelling unit is the primary residence of the property owner and only as an accessory use pursuant to § 5.3.1.”

Page 23 – § 5.2.M – Revised to read: “Residences containing only two (2) dwelling units ...”

Page 24 – § 5.3.D – Deleted “The keeping of chicken hens ...” as an accessory use and renumbered subsequent sections.

Page 24 – § 5.3.E – Replaced “dwelling” with “residence.”

Pages 24 to 26 – § 5.3.I – Revised to read:

- I. Short term rental of a residence or a portion of a residence, meeting all of the following requirements:
  1. Compliance with all Federal, State, County, and local laws, codes, rules and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code.
  2. Permitted short term rental types:
    - a. Rental of a residence or a portion of the residence, such as a secondary self-contained accessory apartment or a room contained in a residence, for a maximum of fourteen (14) days total in any calendar year, provided that the owner of the residence or his/her agent is available locally in order to respond in a timely manner to complaints regarding the condition of the residence or the property at which the residence is located or regarding the conduct of occupants of the residence;
    - b. Rental of a secondary self-contained accessory apartment for a maximum of twenty-eight (28) days total in any calendar year, provided that the owner of the residence is present in the residence during the term of the rental;
    - c. Rental of a room contained in a residence for a maximum of twenty-eight (28) days total in any calendar year, provided that the owner of the residence is present in the residence during the term of the rental, only one (1) room per residence is so rented at any given time, and occupancy of the rented room does not exceed two (2) persons.
    - d. The maximum time limits stated in subsections 2(a)-(c) above are not cumulative. Short term rental of a residence or a portion of a residence shall not exceed twenty-eight (28) days total in any calendar year, regardless of whether the residence owner is present in the residence during the term of any rental, and regardless of the type or types of short term rental use among those described above in subsections 2(a)-(c).
  3. Short term rental registration permit:
    - a. Prior to use of a residence or any part thereof for short term rental, the owner of the residence must obtain a registration permit from the Village.
    - b. The registration permit application may be completed online through the Village's website, or in person at the Village Office.
    - c. The registration permit fee is one hundred twenty-five dollars (\$125) per year.
    - d. The registration permit must be renewed annually and the permit fee paid annually upon renewal.
    - e. The registration permit number must be included in any online or print advertisement for the short term rental, and a short term rental shall not be advertised without a valid registration permit.
    - f. Registration permit requirements shall go into effect as of the date three (3) months from adoption of this Local Law.
  4. Visitor's log:
    - a. The owner of any residence used for short term rental must maintain a visitor's log that clearly states the dates of each rental, the number of visitors, the location within the residence (single room, single dwelling unit, or entire residence), and whether or not the owner was present in the residence during the term of the rental.

b. A copy of the visitor’s log must be provided to the Village’s Code Enforcement Officer within ten (10) business days following written request, and a copy of the previous year’s log must be submitted with any registration permit renewal application.

5. Penalties:

a. The penalty provisions of § 16.4 below shall not apply to any violation of the provisions of this Section § 5.3.I, and the following provisions shall apply to any such violation.

b. If the owner of any residence who uses the residence or any part thereof for short term rental in violation of the maximum time limits stated in subsections 2(a)-(c) above, such violation shall be punishable by a fine of seven hundred and fifty dollars (\$750), and the registration permit shall be revoked for the current year and may not be renewed for one (1) additional year.

c. If the owner of any residence who uses the residence or any part thereof for short term rental in violation of this Section § 5.3.I, other than violations of subsections 2(a)-(c) above, such violation shall be punishable as follows:

i. For the first violation, a fine of not less than one hundred twenty-five dollars (\$125) and not more than two hundred and fifty dollars (\$250).

ii. For the second violation occurring within any twelve (12) month period, a fine of not less than two hundred fifty dollars (\$250) and not more than five hundred dollars (\$500).

iii. For the third violation occurring within any twelve (12) month period, a fine of not less than five hundred dollars (\$500) and not more than seven hundred and fifty dollars (\$750), and the registration permit shall be revoked for the current year and may not be renewed for one (1) additional year.

iv. In the case of a violation of registration permit requirements, each month’s continued violation shall constitute a separate and new violation, and each new violation shall be punishable by a fine of seven hundred and fifty dollars (\$750) per month.

6. Any variance requested for short term rental of a residence or a portion of a residence shall be considered a use, and not an area, variance, in accordance with Zoning Board of Appeals procedures set forth in Article 20.

Page 28 – § 6.2.B.1 – Revised from “Dwellings for two or more families” to “Buildings containing two (2) or more dwelling units.”

Page 33 – Deleted § 8.3.B.3.b.

Page 36 – § 9.3.B.1 – Deleted reference to perennial streams and revised attribution to the mapping of intermittent streams to United States Geological Survey, per GML §239 comments by Tompkins County Planning Department (11/08/2017).

Page 37 – § 9.4 – Revised section title from “Perennial and intermittent streams” to “Intermittent streams,” per GML §239 comments by Tompkins County Planning Department (11/08/2017).

Page 37 – § 9.4.A – Deleted reference to perennial streams, per GML §239 comments by Tompkins County Planning Department (11/08/2017).

Page 37 – § 9.4.C.1. – Revised to read: “New construction of buildings, parking areas, or other structures on or after the effective date of this Article, except fences and walls in compliance with the requirements of Article 14.”

Page 37 – § 9.4.C.4 – Revised reference to “Invasive Plants of the Ithaca, New York Area” to “Regional Invasive Species List,” per GML §239 comments by Tompkins County Planning Department (11/08/2017).

Page 38 – § 9.4.D – Revised to read:

D. The following uses or activities are permitted in the riparian buffer:

1. The maintenance or repair of buildings, structures, and parking areas existing at the time of the adoption of this Article;
2. The replacement, renovation, or restoration of buildings, structures, and parking areas existing at the time of the adoption of this Article, provided that the following conditions are met:
  - a. The footprint of the building, structure, or parking area within the buffer is in the same location and has the same or smaller dimensions; and
  - b. Best management practices are employed to reduce to the greatest practicable extent adverse impacts on the buffer area and intermittent stream.

Page 39 – § 9.4.F – Added: “In the event the owner of any property located in the Village determines to undertake an activity or improvement contrary to the requirements of this Section § 9.4 for which there is no practicable alternative, or that such activity or improvement serves a public need where no feasible alternative is available, said owner may apply to the Village’s Planning Board for site plan review in accordance with the procedures set forth in Article 17.”

Page 39 – § 9.5.A – Revised to read: “... or removing of vegetation that could impair the stability of the slope with the exception of invasive plant species.”

Page 55 – § 13.2.A.1 – Revised to read: “Refuse consisting of broken glass, stumps, garbage, trash and debris of any description, excepting brush piles so long as they are located in the back yard and are not visible from a public street or sidewalk.”

Page 64 – § 17.3.A.1 and 2 – Revised to read: “... and/or requiring exterior site construction on the premises.”

Page 64 – § 17.3.B – Added “Provisions made for reducing energy use or incorporating renewable energy systems into project design” as a factor to be considered by the Planning Board in site plan review, per GML §239 comments by Tompkins County Planning Department (11/08/2017).

Page 66 – § 17.4.F.3 – Added: “If the Planning Board has determined that any requirement of this Article 17 is not required to be satisfied in the interest of the public health, safety or general welfare or is inappropriate to a particular Site Plan, the Planning Board has authority to waive such requirement, and such waiver shall be subject to such conditions as the Planning Board determines to impose.”

Page 68 – § 18.2 – Added: “If the Planning Board has determined that any requirement of this Article 18 is not required to be satisfied in the interest of the public health, safety or general welfare or is found to be inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision, the Planning Board has authority to waive such requirement, and such waiver shall be subject to such conditions as the Planning Board determines to impose.”

Page 75 – § 19.3.B – Added: “If the Planning Board has determined that any requirement of this Article 19 is not required to be satisfied in the interest of the public health, safety or general welfare or is found to be inappropriate to a particular special use permit, the Planning Board has authority to waive such requirement, and such waiver shall be subject to such conditions as the Planning Board determines to impose.”

Village of Cayuga Heights Natural Resources Map – Intermittent Streams – Revised map legend to delete reference to Perennial Streams.