

§ 175-37 **Applicability.**

The following land uses and developments shall not be undertaken until the Planning Board has approved or approved with conditions such land use or development in accordance with this article and the Zoning Officer has issued a permit for it in accordance with the terms of Article **XI** hereof:

- A. Any land use or development listed in Article **IV** and Schedule I of this chapter as a use permitted by site plan review.
- B. Any land use or development listed in Appendix B as a Class B regional project.
- C. Stripping, excavating and filling.
  - (1) Any site preparation involving the stripping, excavating, filling or grading of land in the following areas will also require site plan review:
    - (a) Within 100 feet of a wetland or within a wetland.
    - (b) Within 25 feet of a 15% slope or greater, when measured in any direction over a distance of 100 feet from the center of the proposed building site.
    - (c) Within 100 feet of all streams and waterbodies as mapped and/or classified by the New York State Department of Environmental Conservation.
    - (d) Within the 100-year floodplain of any watercourse as delineated on Flood Hazard Boundary Maps or Flood Insurance Rate Maps prepared by the United States Department of Housing and Urban Development, incorporating local law(s) pertaining to floodplain management adopted by the Town Board of the Town of Lake George.
    - (e) Which involves land clearing of forested or brush land of greater than 15,000 square feet area in all zoning districts. Any land clearing of forested or brush land greater than 5,000 square feet but less than 15,000 square feet does not require site plan review, but will still be required to adhere to the provisions identified in Chapter **148**, Stormwater Management and Erosion and Sediment Control.
    - (f) Use of a temporary, portable sawmill, for a period greater than four consecutive months.
  - (2) However, the following activities shall be exempt from provisions of this Subsection **C**:

- (a) Agricultural operations which have an approved soil conservation plan or are less than 25 acres in size and are not within 100 feet of a watercourse.
- (b) Municipal activities.

- D. Any commercial land use or development within 300 feet of the following designated travel corridors:
  - (1) New York Route 9 in the RCM-1 Zone.
  - (2) New York Route 9N in the RCM-S2 Zone.
- E. Provisions for contractual access of five or more lots, parcels or sites or multiple-family dwelling units.
- F. The conversion of tourist accommodations, resorts and housekeeping cottages to individual single-family or multiple-family dwelling units, and vice versa.
- G. All applications for transient business licenses pursuant to Chapter **99** of this Code. Garage sales registered and conducted in accordance with § **99-4H** of Chapter **99** of this Code and sales of agricultural products registered and conducted in accordance with § **99-4F(2)** of Chapter **99** of this Code shall not require site plan review.
- H. Home occupations, Type II.
- I. Any land use and/or development within the Shoreland Overlay District as defined in Article **V**.
- J. Any residential or commercial use proposed to be constructed within 500 feet of an historic site either owned by or located in the Town of Lake George.
- K. All new buildings, structures, and accessory structures within 100 feet of the mean high-water mark of a Class AA-Special (AA-S) stream or river, pursuant to 6 NYCRR § 701.3.

## § 175-52. Tourist accommodations and Residential Rentals.

Motels, hotels, tourist time-share projects, housekeeping cottages, and other tourist accommodations shall be subject to the following additional requirements:

- A. Purpose. The purpose of this section is to promote the health, safety and general welfare of the residents of the Town of Lake George, to ensure tourism accommodations are developed and redeveloped in harmony with the surrounding neighborhood and natural environment, and to provide a degree of flexibility to existing tourism accommodations seeking to redevelop their facilities.
- B. Use of Residences for short-term rentals. Residential property owners may use their dwellings for short-term rentals (30 days or less) after applying for and obtaining a “Residential Rental” permit from the Planning and Zoning Office, for a fee of \$50. Residential property owners, who want to rent their dwellings out for a period longer than one month at a time, may do so without a Residential Rental permit. Short-term residential rentals shall be prohibited in the RM-1, RM-2, RH, RR and LC districts.
  - 1) The owner of the rental property assumes responsibility for the health, safety, and welfare of the renter(s) by assuring compliance with the appropriate fire prevention and building codes, sanitary codes, and local Town of Lake George Zoning Code.
  - 2) The owner of the rental property assumes responsibility for the conduct of the tenants so as to protect the health, safety, and welfare of the surrounding property owners and to protect the property values of the neighborhood.
  - 3) The rental premises must have adequate parking, garbage facilities, occupancy, septic capacity, and a local emergency contact, as determined by the provisions in this code, and by determination of the Zoning Officer. If the Zoning Officer determines any of these requirements are not adequately addressed, or that the residential rental is in a location that may pose adverse impacts, Site Plan Review may be required.
    - a) Smoke Detectors. Each rental dwelling shall be equipped with a functioning smoke detector and CO monitor, in compliance with New York State Uniform Fire Prevention and Building Code.
    - b) Septic Systems. All on-site septic systems shall be clearly identified to prevent damage from cars parking or installation of equipment. Additionally, short-term rentals with inadequate septic systems, as determined by the Zoning Officer, will have reduced occupancy limitations set by the Zoning Officer and based on the capacity of the septic system that services the short-term rental, based on bedroom count.

- c) Occupancy limitation. A short term rental permit requires the completion of a “property maintenance inspection” by the Warren County Building Codes and Fire Prevention Office. Occupancy limitation is based on the number of bedrooms in the short-term rental and/or the square footage of livable space in the short-term rental, and is calculated by Warren County Building Codes and Fire Prevention during their ‘Property Maintenance Inspection’, as required by this section and by the short-term rental permit. Additionally, short-term rentals with inadequate septic systems, as determined by the Zoning Officer, will have reduced occupancy limitations set by the Zoning Officer and based on the capacity of the septic system that services the short-term rental, based on bedroom count and a maximum of 2 persons per bedroom.
  - d) Requirements of owners of rental property. All owners of short term rental property shall maintain, at the premise to be rented, the signed “Residential Rental” permit, which contains information on emergency contact persons, relevant septic system information, trash disposal information, occupancy limitations (including duration limit for short-term rentals and minimum lengths of stay for rentals over 30 days in duration), and any other pertinent information relevant to use or restrictions of the property.
  - e) Parking. All owners of short term rentals shall require at a minimum two (2) parking spaces for the renters of the property. For every four (4) allowable renters for a short term rental, there shall be a minimum of one (1) additional parking spaces (i.e., a rental property with 12 renters allowed must have three (3) spaces. In no case, shall the rental property allow for more than ten (10 cars) to be parked at the property.
- 4) Each Residential Rental shall, at a minimum, comply with NYS Property Maintenance Code Section 404.1 pertaining to minimum square footage requirements per person, and shall not exceed occupancy limits enforced by Warren County Building Codes and Fire Prevention.
  - 5) Change of Use. Residential property owners utilizing their property for short-term residential rentals, who have an approved license for such use, will be considered similarly to “tourist accommodation” type uses. As such, those property owners with residential rental licenses will be subject to occupancy tax requirements.
  - 6) Grandfathering of pre-existing, non-conforming short-term residential rentals. Short-term residential rentals located in zoning districts where the use is no longer allowed but that were in existence and known (recorded) to the Planning and Zoning Office on or before the date of the adoption of this section, shall be grandfathered and allowed to continue as a short-term residential rental, only if:
    - a) The owner of said residential rental follows the same process for permitting of the short-term residential rental, as described in this section.

- b) The property is located on a major thoroughfare street or other highly traveled road that is not conducive to privacy from vehicles or noise from traffic. Those rentals in existence on or before the date of the adoption of this section that are located on dead-end residential streets or cul-de-sac streets are not to be grandfathered due to the private nature and residential character of said streets.
  - c) Any grandfathered short-term residential rental shall only be allowed to continue under the same property ownership as of the date of this section when the residential rental was grandfathered. Any change of ownership or changes in deeds to reflect new owners shall constitute a cancellation of the grandfathered short-term residential rental status.
  - d) If the property to be grandfathered as a short-term rental is allowed to continue based on the above standards, said rental shall not accumulate more than three (3) legitimate complaints on the property due to said rental, legitimate meaning a complaint that garners a violation of the Town code or a follow-up response (not just a complaint) to the rental property from a police agency. Any grandfathered short-term residential rental that accumulates more than three (3) legitimate complaints on the operation of the short-term residential rental shall have their grandfathered status withdrawn and the short-term residential rental shall cease.
- 7) Violations. If any of the following situations arise at a permitted property for short term rentals it will constitute a violation.
- a) Overcrowding; excess number of people above and beyond what Warren County has determined is allowed or excess number of vehicles which was stated and agreed upon on Short term rental permit.
  - b) Any septic violations; system failures of any kind
  - c) Violation of Town of Lake George noise ordinance (Ch. 108)
  - d) Any instances the Police authorities are called and show up at the permitted property i.e., out of control parties, domestic disturbances, fighting, noise, etc.
  - e) Any new fire code violations that arise after a permit is issued.
  - f) Any violations of garbage/littering (Ch. 103) or what was agreed upon in the short term rental permit.
- 8) Notice of violation; revocation of permit.

Upon a finding by the Zoning Officer or Code Enforcement Officer (CEO) that an applicant has violated any provisions of this chapter, the Zoning Officer or CEO shall

give notice to the applicant to correct said operational violation within 24 hours of receipt of said notice by the applicant. Upon failure to correct said operational violation within 24 hours, or if three (3) violations occur during a 6 month period the Zoning Officer or CEO may revoke the applicant's permit issued pursuant to this chapter. The Zoning Officer or CEO shall, in his/her sole judgment, give a violator reasonable time to repair any structural damage or physical violation of any provision of this chapter.

9) Penalties for offenses; effect on eligibility for permit.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding \$350 and or revocation of the applicant's permit issued pursuant to this chapter. Each day that such violation continues shall constitute a separate violation.