

VILLAGE OF IRVINGTON

PLANNING BOARD

85 MAIN STREET
IRVINGTON, NEW YORK 10533
TEL: (914) 591-8335 • FAX: (914) 591-5870



VILLAGE OF IRVINGTON APPLICATION TO PERMIT A SHORT-TERM RENTAL PURSUANT TO LL#7 OF 2019

Applicable in the One Family Residence Districts and one, two and other dwelling units in the Business District.

This form is to be used for both new applications as well as renewals

I the undersigned owner of the property listed below request pursuant to Local Law #7 of 2019, (Requirements to Permit a Short Term Rentals) in the Code of the Village of Irvington, request a Building Permit to operate a Short Term Rental in a One Family Residence Districts, and one, two and other dwelling units in the Business District;

REQUIRED INFORMATION

(A) PROJECT PROPERTY

- 1) Address: _____
- 2) Sheet _____ Block _____ Lot _____ Parcel _____
- 3) Account Number: _____
- 4) P.I.D. Number: _____
- 5) Zoning District _____
- 6) School District: Irvington _____ Dobbs Ferry _____
- 7) Date of Original Construction _____ Date _____
- 8) Sewer _____ Public or _____ Septic
- 9) Water _____ Public or _____ Private
- 10) Number of dwelling units within the property _____
- 11) Does the affected property have any wetlands or watercourses on or within 25' of the property boundary? Yes ___ No ___
- 12) Does the proposed project abut Broadway or have any portion in the Broadway Buffer Yes ___ No ___
- 13) Does the proposed project property about the Croton Aqueduct or have any portion in the Croton Aqueduct Buffer? Yes ___ No ___
- 14) Is the project property a registered state or national landmark? Yes ___ No ___
- 15) Is the project property in the Village of Irvington Historical District as defined in Article XXXII of the Code of the Village of Irvington Yes ___ No ___
 - If yes; is the affected property listed in 224-197 Appendix "A" as a contributing Building. Yes ___ No ___
- 16) Does the affected property have a Special Permit for an "Accessory Apartment"? Yes ___ No ___
 - If yes; provide a copy of the resolution of approval, _____, renewal date _____
- 17) Does the affected property have a Special Permit for an "In-law Apartment"? Yes ___ No ___
 - If yes; provide a copy of the resolution of approval _____, renewal date _____
- 18) Does the affected property have a Special Permit for a "Bed and Breakfast"? Yes ___ No ___
 - If yes; provide a copy of the resolution of approval _____, renewal date _____
- 19) Does the affected property have a Special Permit for a "Short Term Rental"? Yes ___ No ___
 - If yes; provide a copy of the resolution of approval _____, renewal date _____
- 20) List any Site Development Plan approval including dates, this property has received and attached a copy of any resolution of approval _____
- 21) List any zoning use or area variances with dates this property has received. _____
- 22) Provide and list by date all Certificates of Occupancy and Certificates of Completion pertaining to this property. _____
- 23) List any other special permits with dates this property has received _____
 - If yes provide a copy of the board's resolution and renewal date, _____

(B) OWNER INFORMATION

- Name: _____
- Mailing Address: _____
- Email Address: _____
- Phone Number: _____ Cell Phone Number: _____
- Date the owner purchased the property _____

(C) APPLICANT INFORMATION

- Name: _____
- Mailing Address: _____
- Email Address: _____
- Phone Number: _____ Cell Phone Number: _____

(D) LICENSED PROFESSIONAL INFORMATION (architect or engineer)

- Name: _____
- Name of Company: _____
- License Number: _____
- Mailing Address: _____
- Email Address: _____
- Phone Number: _____ Cell Phone Number: _____

STOP

CONTACT THE BUILDING DEPARTMENT TO SCHEDULE AN INSPECTION PRIOR TO FILLING OUT OR COMPLETING THE REMAINING PORTIONS OF THIS APPLICATION UNTIL SUCH TIME THE BUILDING DEPARTMENT MAKES A PRELIMINARY INSPECTION OF YOUR PROPOSED PROJECT

(E) SUBMISSION REQUIREMENTS

- (1) _____ The Village of Irvington Building Department reserves the right to require drawings from a licensed professional if no plans from a licensed professional of existing conditions providing the necessary information required in question #11 is on file with the Village.**
- (2) File for a Building Permit (irvingtonny.gov)**
- (3) _____ Application fee \$250 for original registration**
- (4) _____ \$150- for renewals, annually (for applications that have had their required annual inspection by the Village Fire Inspector and the permit has not expired) (for applications that have expired or the owner fails to a renewal application and provide the required fire inspection from the Village Fire Inspector prior to the expiration of one year, the owner will need to file for a new permit application and will the new permit may be issued subject to availability)**
- (5) _____ Owner has completed all fields in the application including the check list below**
- (6) _____ Owner has signed and notarized the application**
- (7) _____ Provide evidence of ownership for 5 years prior to application (i.e. deed, tax bill, etc.)**
- (8) _____ Provide evidence of a Certificate of Occupancy for building for the proposed rental**
- (9) _____ Provide survey representative of existing conditions from a licensed surveyor**
- (10) _____ Provide photographs of the exterior of the building to including all existing lighting, posted street number, egress windows, grade under required egress, walkways, driveways, signage, garbage refuse area.**

- (11) _____ Provide drawing to scale of existing residence showing all rooms and access to proposed rooms to be rented included but not limited to;
- a) each floor in which a room is to be rented
 - b) each floor in which egress from a room to legal open egress
 - c) each floor in which a bathroom is proposed for a room to be rented
 - d) location of all hardwired smoke and carbon monoxide detectors (low voltage and battery only detectors are not permitted)
 - e) identify the proposed rooms for rent on the plans (not to exceed 5)
 - f) identify the proposed number occupant per room by square foot not to exceed 10
 - (1) 70 square feet for the first occupant
 - (2) 50 square feet for each additional occupant
 - g) Provide drawings to scale of rooms to be rented along with calculations for;
 - (1) Room Square footage calculation
 - (2) Windows sizes for Light calculations (in square feet)
 - (3) Window opening sizes (in square feet) (min. 5.7 square feet)
 - (4) Provide evidence that the sill height of the existing egress window is not more than 44" above the finished floor
 - (5) Light and ventilation calculations (in square feet) (min. 8% light, 4% ventilation)
 - (6) Provide ceiling height details including soffits and sloping ceiling
- (12) _____ Provide evidence that the proposed room(s) for rent are not above the second floor
- (13) _____ Provide evidenced that a "fire safety notice" is affixed to the occupied side of the entrance door of each bedroom proposed to be rented indicating the Means of Egress, Location of means for transmitting fire alarm and evacuation procedures to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke detecting or other alarm device.
- (14) _____ Provide evidence of means of egress including at least one of the following alternatives;
- (a) _____ Provide evidence and maintenance of a code compliant fire sprinkler system in conformance with NFPA 13D protecting all interior stairs serving as a means of egress;
 - (b) _____ Provide evidence of an exterior stair conforming to the requirements of R311.7 of the Residential Code of New York State providing a second means of egress from all above grade stories or levels or
 - (c) _____ Provide evidence of an opening for emergency use conforming to the requirements of Section R310 of this code within each bedroom for transient (*Short Term Rental*) use, such opening to have a sill not more than 14 feet above level grade directly below and, as permanent equipment, a portable escape

RENEWAL SUBMISSION REQUIREMENT ONLY

- (15) _____ Application renewal fee \$150- for renewals, annually (for applications that have had their required annual inspection by the Village Fire Inspector and the permit has not expired) (for applications that have expired or the owner fails to a renewal application and provide the required fire inspection from the Village Fire Inspector prior to the expiration of one year, the owner will need to file for a new permit application and will the new permit is may be issued subject to availability)
- (16) _____ Copy of Fire Inspection dated within 2 months of permit expiration
- (17) _____ Copy of any permits or other approvals applied for or received

AFFIDAVIT OF OWNER

State of New York }
 }
County of Westchester }

ss:

_____ being duly sworn, deposes and says: that _____ is the current owner of the premises to which this application applies; that the applicant is duly authorized to make this application; and that the statements contained here are true to the best of his/her knowledge and belief, and that the work will be performed in the manner set forth in the application and in the plans and specifications filed therewith, and in accordance with all applicable laws, ordinances and regulations. Applicant also acknowledges that he/she has reviewed the following sections of the Code of the Village of Irvington including but not limited to 224-8.B(11), 224-B8.B(12), 224-36.A (20) &(21), 114, 224-209 as well as the Residential Code of New York State. The undersigned owner also acknowledges that any unpaid application fees and professional fees incurred by the Village in the review of this application, pursuant to Chapter 160 of the Code of the Village of Irvington shall become a lien on the subject property and may be collected in the same manner as delinquent taxes. Also note that the filing of this application does not constitute permission to commence construction or occupy the proposed Short Term Rental Unit without an approved Building Permit. A separate Building Permit is also required for any physical, interior or exterior changes.

Signature of owner

Sworn to before me on this
___ day of _____, 20__.

Notary Public

LOCAL LAW #7 OF 2019
AMENDING THE IRVINGTON ZONING CODE
TO PERMIT SHORT-TERM RENTALS

Be it enacted by the Board of Trustees of the Village of Irvington that the Zoning Code is amended as follows:

Section 1: Section 224-3 (Definitions) is hereby amended by adding the following definition:

SHORT-TERM RENTAL - Rental of a whole or partial dwelling unit to visitors for dwelling, sleeping or lodging, for a period of no less than 24 hours or more than 30 consecutive days. The term “short-term rental” does not include bed-and-breakfast establishments, as permitted by §§ 224-8.D(7) and 224-36.B.

SHORT-TERM RENTAL UNIT – The portion of the dwelling unit rented out for short-term rental.

Section 2: Section 224-8 (One-Family Residence Districts, Use Regulations) is hereby amended by adding the following new accessory use to subsection B:

(11) Short-term rentals in accordance with Article XXXII of the Zoning Code.

Section 3: Subsection 224-8.B(11) is hereby redesignated as 224.8.B(12).

Section 4: Section 224-36.A (Business District, Use Regulations) is hereby amended by adding the following new use:

(19) In one-family, two-family and other dwelling units, short-term rentals in accordance with Article XXXII of the Zoning Code.

Section 5: Subsection 224-36.A (19) and (20) are hereby redesignated as 224-36.A (20) and (21), respectively.

Section 6: The Zoning Code of the Village of Irvington is hereby amended by adding the following new article regulating Short-Term Rentals:

2

ARTICLE XXXII
Short-Term Rentals

§ 224-205. Purposes. The purposes of this Article are to:

- A. Legalize and regulate short-term rentals in the Village of Irvington and assure that short-term rental units meet applicable health, fire and safety standards.
- B. Preserve the residential character of the Village.
- C. Provide economic support for Village residents who would benefit from rental income.
- D. Provide lodging for visitors to the Village and encourage tourism in the Village.

§ 224-206. Registration required. No short-term rental is permitted to be established, maintained, operated or advertised unless it complies with the requirements of this Article and until it is registered in accordance with this Article.

§ 224-207. Requirements for short-term rental registration. A short-term rental (STR) unit may be registered only if the following requirements are met:

- A. The dwelling unit in which the STR unit is located shall remain a single dwelling unit with housekeeping facilities in common, and may be rented to not more than one family, as defined in § 224-3.
- B. The dwelling in which the STR unit is located must be the primary residence of the person renting out the STR unit.
- C. The dwelling unit in which the STR unit is located must have been in existence in its present size for at least five years prior to the initial application for registration.
- D. The dwelling, including the STR unit, must be in compliance with the Village Zoning Code, the New York State Uniform Fire Prevention and Building Code, and the Property Maintenance Code of New York State.

E. For one-family (attached and detached) and two-family dwellings, no exterior changes, including exterior lighting, shall be made to the dwelling that would alter the one- or two-family character and appearance of the residence.

F. No sign other than a sign permitted by § 224-192.A(3) shall be allowed.

G. A short-term rental is not permitted on the same lot as an accessory apartment.

H. No more than 50 short-term rentals may be registered at any one time throughout the Village. The limit on the number of STRs registered may not be varied by the Zoning Board of Appeals.

§ 224-208. Requirements for operating the short-term rental.

A. The maximum number of days a dwelling or part of dwelling may be rented out as a short-term rental is 180 days per year. For at least 90 of these days, the owner or lessee of the dwelling must be physically in residence at such dwelling during periods in which rooms are rented.

B. A short-term rental may not be used to host parties or other gatherings or events at the dwelling.

C. A written notice on a form to be provided by the Village, which contains information about relevant Village parking laws, garbage and recycling rules and schedules, and snow removal, and identifies the party(ies) responsible for responding to complaints about the STR, shall be completed and left at a conspicuous location inside the STR unit and maintained at such location by the operator of the STR and displayed at all times.

D. While a short-term rental unit is rented, the owner or lessee of the dwelling unit shall be responsible and available during the entire time of rental, for the purpose of responding within 30 minutes to complaints regarding the condition, operation, or conduct of occupants and or guests of the short-term rental unit. If the owner or lessee is not available, (s)he must designate a person who will be so responsible. Prior to the beginning of any short-term rental period, the name(s) and telephone number(s) of the responsible party(ies) must be provided on the written notice required by paragraph C above.

E. Any person renting out a STR shall use best efforts to insure that the occupants and/or guests of the STR do not create unreasonable noise or disturbance, engage in disorderly conduct, violate any provision of the Irvington Code, or violate any law pertaining to disorderly conduct, the consumption of alcohol, or the use of illegal drugs.

F. A person renting out a STR, upon receiving notification that an occupant or tenant of his/her STR unit has created unreasonable noise or disturbance, engaged in disorderly conduct, or committed violations of the Irvington Code or any applicable law, shall respond within 30 minutes of the time the initial call was made, and shall take corrective action to address any violation and use best efforts to prevent the recurrence of such conduct.

G. A dwelling with a STR unit is subject to periodic inspections by the Building Department and Fire Inspector to ensure continued compliance with all applicable codes.

H. The person renting out the STR shall maintain a record of the number of guests and the beginning and ending dates of each short-term rental. Such record shall be submitted to the Building Department along with the application to renew the STR registration.

§ 224-209. Registration procedure.

A. The owner or lessee of the dwelling must file a registration form with the Village Building Department containing an affidavit demonstrating compliance with § 224-207.A through G above. The registration form must be accompanied by the non-refundable fee provided in Chapter 114.

B. The Building Inspector shall conduct a physical inspection of the proposed STR unit and the dwelling in which it is located. Registration shall not be permitted unless the Building Inspector finds that the STR complies with § 224-207.A through H above.

C. Registration of the STR will not be permitted if there are unresolved Code compliance issues, outstanding Village fines or fees, or unpaid taxes.

D. Registration of the STR must be renewed annually, on the same terms and subject to the same fee as the initial registration.

E. The registration shall expire automatically upon a change in ownership of the dwelling in which the STR is located.

F. All persons who operate or advertise short-term rentals shall register the STR within 45 days of the date this local law is adopted. If the STR is not registered within 45 days, the person operating the STR shall be deemed in violation of this Article.

G. Short-term rentals are subject to any intervening changes in the Zoning Code, the New York State Uniform Fire Prevention and Building Code, and the Property Maintenance Code of New York State, including discontinuing them as a permitted use. Renewal of registration shall be denied if short-term rentals are no longer a permitted use or if the short-term rental no longer qualifies under the requirements of this Article.

§ 224-210. Enforcement.

A. Violations. Any person who rents out or offers to rent out his or her premises as a short-term rental without first registering it in accordance with this Article, or who violates any other provision of this Article, shall be in violation of this Article. The fine for a first violation shall be \$500. The fine for a second violation shall be \$1000. Violations shall be enforced as provided in § 95-12 of the Code of the Village of Irvington.

B. Presumptive evidence. The presence or existence of the following shall create a rebuttable presumption that a property is being utilized as a short-term rental:

(1) The property is offered for lease or rent on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO and similar websites.

(2) The property is offered for lease or rent by the use of any other advertising mechanism for a period of less than 30 days.

C. Revocation of registration. In addition to any penalties provided in § 224-10.A, the Board of Trustees may revoke the registration of any short-term rental if:

(1) It finds the STR to be in material breach of the requirements of this Article, or

(2) The operator of the STR is found guilty of two violations of this Article.

D. Procedure for revocation.

(1) If a person is found guilty of two violations of this Article, or if the Board of Trustees believes that there may be a material breach of the requirements of this Article, it shall hold a public hearing on the violations.

(2) Notice of the hearing shall be given to the operator of the short-term rental at least 15 days before the date of the hearing.

(3) In addition, notice of the hearing shall be published in the official newspaper of the Village at least 10 days before the date of the hearing.

(4) The decision of the Board of Trustees on revocation of the registration shall be by resolution. The decision of the Board of Trustees shall be final.

Section 7: Chapter 114 (Fees) is hereby amended by adding the following:

224-209 Short-term rental registration \$ 250

224-209 Short-term rental registration renewal \$ 150

Section 8: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 9: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.