



## TOWN OF NORTH SALEM

Delancey Hall  
266 Titicus Road  
North Salem, N.Y. 10560

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Office of the Town Clerk  
Maria C. Hlushko

### **RESOLUTION #72-26 TO ADOPT LOCAL LAW #02-2026 AMENDING CHAPTER 250, ZONING SHORT-TERM RENTAL OF DWELLINGS**

Motion made by Supervisor Lucas  
Seconded by Councilwoman Daniels

**A LOCAL LAW** amending Chapter 250, Zoning of the Code of the Town of North Salem:

- § 250-5 Definitions amending certain existing definitions and adding new definitions
- § 250-11 District Use Tables adding Short-Term Rental as a Conditional Use
- § 250-77.19 New Conditional Use supplemental standards regulating Short-Term Rentals
- § 250-21A Front Yard Exceptions
- § 250-40 Prohibited Signs with addition of a new Subsection M
- § 250-45A Site Development Plan Approval
- § 250-68A Accessory Apartments
- § 250-94 Penalties for Offenses

**BE IT ENACTED** by the Town Board of the Town of North Salem as follows:

#### **Section 1. Legislative Intent**

The intent of this local law is the amendment of Chapter 250, Zoning of the Code of the Town of North Salem to permit and regulate Short-Term Rentals (STR) to accommodate North Salem residents who want the option to rent their residential dwellings on a short-term basis, while establishing appropriate requirements to mitigate challenges that short-term rentals may have on neighborhoods and the community as a whole. Where and how permitted, short-term rentals will be classified and permitted solely as an accessory use, not a principal use such as a commercial investment property.

#### **Section 2. Applicability**

Short-Term Rentals are to be permitted in certain dwellings as an accessory use in the following zoning districts subject to Planning Board Conditional Use Permit and Site Plan Approval:

- R-4 Rural Density Residential District
- R-2 Low Density Residential District
- R-1 Medium Density Residential District
- R-1/2 Medium Density Residential District
- R-1/4 Medium-High Density Residential District
- NB Neighborhood Business District
- GB General Business District
- PO Professional Office District

**RESOLUTION #72-26  
TO ADOPT LOCAL LAW #02-2026 AMENDING CHAPTER 250, ZONING  
SHORT-TERM RENTAL OF DWELLINGS**

**(CONTINUED)**

The regulation of Short-Term Rentals is deemed necessary to maintain and protect the attractive and harmonious visual image and character of the community; prevent adverse impacts to the environment; protect property values; and protect the public health, safety and welfare of the residents of the Town of North Salem.

**Section 3. Zoning Text Amendments**

Chapter 250, Zoning of the Code of the Town of North Salem is hereby amended as set forth in Addendum A attached hereto, consistent with and in accordance with the requirements and procedures set forth in Chapter 250, Zoning, Article XIX, Amendments.

**Section 4. Severability**

If any section, subsection, subdivision, paragraph, clause or phrase in this local law, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this local law, or any part thereof. The Town Board hereby declares that it would have passed each section subsection, subdivision, paragraph, sentence, clause, or phrase of this local law, irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

**Section 5. Authority**

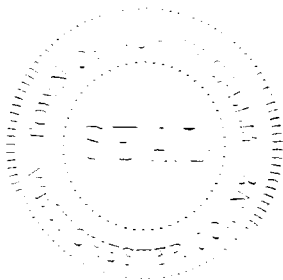
This local law is adopted pursuant to Municipal Home Rule Law § 10.

**Section 6. Effective Date**

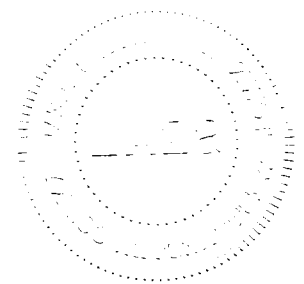
This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law § 27.

Supervisor Lucas - Aye  
Councilman Aronchick – Aye  
Councilwoman Daniels – Aye  
Councilman Golisano – Aye  
Councilman Kamenstein – Aye  
Resolution Adopted.

*I, Maria C. Hlushko, Town Clerk of the Town of North Salem, County of Westchester, State of New York, do certify that the above is a true and exact copy of a Resolution adopted by the Town Board of said Town at a meeting held on January 27, 2026.*



*Maria C. Hlushko*  
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Maria C. Hlushko, Town Clerk



**AMENDMENT OF CHAPTER 250 ZONING  
OF THE CODE OF THE TOWN OF NORTH SALEM**

**SHORT-TERM RENTAL OF DWELLINGS (New § 250-77.19)  
ACCESSORY USE SUBJECT TO  
CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL  
and  
ASSOCIATED AMENDMENTS**

**1. Amend Columns C and C-1 of the following EXISTING ATTACHMENTS:**

- **ADD to Attachment 1 – R-1 District:**

C	C-1
<b>Conditional Uses by Planning Board (1)</b>	<b>Use Group</b>
Short-term rental	e

- **ADD to Attachment 2 – R-2 District:**

C	C-1
<b>Conditional Uses by Planning Board (1)</b>	<b>Use Group</b>
Short-term rental	m

- **ADD to Attachment 3 – R-4 District:**

C	C-1
<b>Conditional Uses by Planning Board (1)</b>	<b>Use Group</b>
Short-term rental	b

- **ADD to Attachment 4 – R-1/2 District:**

C	C-1
<b>Conditional Uses by Planning Board (1)</b>	<b>Use Group</b>
Short-term rental	f

- **ADD to Attachment 5 – R-1/4 District:**

C	C-1
Conditional Uses by Planning Board (1)	Use Group
Short-term rental	H

- **ADD to Attachment 10 – GB District:**

C	C-1
Conditional Uses by Planning Board (1)	Use Group
Short-term rental	K

- **ADD to Attachment 11 – PO District:**

C	C-1
Conditional Uses by Planning Board (1)	Use Group
Short-term rental	f

- **DELETE from Attachment 9 – NB District:**

C	C-1
Conditional Uses by Planning Board (1)	Use Group
Bed and breakfast establishments	k

**2. Amend Existing § 250-5, Definitions as follows (all others remain unchanged):**

- **REPLACE existing definitions with these NEW definitions:**

**DWELLING**

A building or portion thereof designated, used or occupied as non-transient living quarters for one or more dwelling units, but not including a hotel, or recreational vehicle, trailer, motor home, camper or other similar vehicle providing temporary living quarters.

**DWELLING UNIT**

A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, having no enclosed space (other than vestibules, entrances or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A house trailer, recreational vehicle, convalescent home, dormitory, hotel, nursing or other similar home or other similar structure shall not be deemed to constitute a “dwelling unit.”

**FAMILY**

Any number of individuals living together and doing their cooking as a single housekeeping unit on the premises, as distinguished from transient guests occupying a short-term-rental, bed and breakfast or hotel.

- ***ADD these NEW definitions:***

**SHORT-TERM RENTAL**

Any portion of real property rented, leased or otherwise assigned for occupancy by transient guests for a period of less than thirty (30) consecutive days. The term "Short-Term Rental" does not include and shall not be conducted within:

- Affordable Housing Dwellings
- Apartments Accessory to Commercial Establishments
- Bed and Breakfast Establishments
- Customary Home Occupations
- Employee Dwelling Units (Employee Quarters)
- Hotels and any Hotel Accessory Apartments
- Moderate-Income Housing Dwellings
- Multifamily Dwellings
- Ongoing month-to-month or longer period tenancies
- Private School Housing/Dormitories
- Senior Citizen or Disabled Person Dwellings

**SHORT-TERM RENTAL, HOSTED**

A short-term rental where both the owner, who is the resident occupant and a short-term rental transient guest are both present on the premises and overnight during the short-term rental period.

**SHORT-TERM RENTAL, UNHOSTED**

A short-term rental where the owner who is the resident occupant is not present on the premises with the transient guest during the short-term rental period.

**TRANSIENT GUEST**

A person who occupies a room or rooms in a hotel, bed-and-breakfast establishment, or short-term rental.

- ***DELETE these existing definitions:***

**CAMP OR CAMPGROUND**

~~A facility with multiple locations or areas of ground established or maintained for occupancy by tents, trailers, recreational vehicles, cabins, lean-tos, shelters or similar accommodations and/or structures of a design and/or character suitable for transient temporary or seasonal living quarters for recreation, social, education or vacation purposes.~~

**GATEHOUSE**

~~A dwelling with less than 400 square feet located at or near a property gate or wall used as a keeper's quarters.~~

### **3. ADD NEW Subsection § 250-77.19, Short-Term Rental as follows:**

#### **§ 250-77.19 Short-Term Rental.**

It is the intent to accommodate North Salem residents who want the option to rent their residential dwellings on a short-term basis, while establishing appropriate requirements to mitigate challenges that short-term rentals may have on neighborhoods and the community as a whole. Where and how permitted, short-term rentals shall be classified and permitted solely as an accessory use, not a principal use such as a commercial investment property. Therefore, short-term rentals shall be subject to the following supplementary requirements.

- A. Purpose.** The North Salem Town Board has determined it is in the best interest of the Town and its residents to permit through regulation the short-term rental of certain residential dwellings. The Town Board recognizes the benefits of adding short-term rentals as a permitted accessory use, subject to a conditional use permit and site development plan approval by the Planning Board, to allow homeowners to supplement their income to defray the cost of housing and to provide short-term lodging for transient guest visitors to the Town. However, to protect the health, safety and welfare of the Town and its residents, it is necessary to restrict and regulate the rental of a dwelling unit for terms shorter than thirty (30) consecutive days and to permit such in dwellings to occur only periodically over the course of a single year because such use has the potential to negatively impact residential neighborhoods by allowing what are effectively commercial transient lodging uses in buildings and areas where commercial uses are typically not permitted. In addition, the presence of short-term rentals also can lead to a reduction in the affordable housing supply by removing dwelling units from the market and driving up demand for the limited remaining housing supply. This can result in fewer available residential dwelling units, particularly affordable housing options, and increased prices or rents for those units. The North Salem Comprehensive Plan's overarching vision seeks to *"maintain and enhance North Salem's rural residential character and identity"* and recommends that *"maintenance and enhancement of the overall rural and quaint appearance of the Town be controlled through the site plan and permitting process."* Residents overwhelmingly cite the Town's rural character as the reason they live in North Salem, noting such being *"the result of thoughtful planning, diligent local government and residents committed to preserving the Town's scenic beauty and rural tranquility."* Noted identified focal points to maintain North Salem's neighborhood character and natural landscapes, values and stability include the careful control of noise, light pollution, incompatible land uses, traffic congestion and limitations on non-residential development in keeping with the rural character of the Town, to what is necessary to provide North Salem residents with adequate services. As such, the Town Board believes that the restrictions and requirements imposed herein further the Town's goals and objectives of the Town's Comprehensive Plan and promote the protection of the health, safety and welfare of the Town and its residents. This section describes procedures and requirements for obtaining a permit for a short-term rental of dwellings.
- B. Presumptive evidence.** The existence of any 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 rent, lease or other assignments on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO or similar websites.
  - (2)** The property is offered for rent, lease or other assignments using any other advertising mechanism for a period of fewer than thirty (30) consecutive days.
- C. County Lodging Registration and Taxation.**
- (1)** The property owner shall be responsible for registration and payment of all lodging occupancy taxes to Westchester County, and for collecting and remitting all applicable occupancy and sales taxes required by state and/or county law.

- (2) The property owner shall provide written confirmation of registration with Westchester County prior to endorsement of final approved Site Plans by the Planning Board Chair and Secretary.
- (3) The property owner shall maintain registration with Westchester County during the life of an approved short-term rental permit. The Building Inspector and Planning Board Secretary shall be notified in writing within ten (10) days of any renewal, cancellation or other change in the substance and status of registration with Westchester County.
- (4) The Town may transmit permit and registration information to Westchester County for enforcement purposes.

**D. Permit required.**

- (1) A revocable short-term rental permit, subject to a conditional use permit and site development plan approval by the Planning Board, shall be required. It shall be unlawful to use, establish, maintain, operate, rent, lease, assign, or advertise for rent, lease or assignment, any property or portion thereof as a short-term rental within the Town of North Salem without first having obtained a short-term rental permit for such purpose in accordance with provisions of this chapter. The failure or refusal to obtain a short-term rental permit consistent with these standards shall be deemed a violation of this chapter.
- (2) The following types of short-term rentals shall be permitted upon the issuance of an applicable short-term rental permit, subject to the standards and requirements of this section:
  - (a) Unhosted short-term rental as defined in this chapter.
  - (b) Hosted short-term rental as defined in this chapter.
- (3) Approval of a short-term rental permit shall apply to the owner of the property and not to the property itself.
- (4) All applications for a short-term rental permit shall disclose the names of all persons or other ownership entities with any percentage of fee-simple ownership of the property upon which the short-term rental is proposed, as well as the name of the person from said ownership that will be the resident occupant. The Building Inspector and Planning Board Secretary shall be notified in writing within thirty (30) days of any changes of the individuals disclosed.
- (5) All owners of a property holding a short-term rental permit shall equally be responsible for the operation and maintenance of the short-term rental and associated property, as well as for compliance with these short-term permit standards and the terms and conditions of an approved short-term rental permit.
- (3) A short-term rental permit is a privilege, not a right and failure to comply with the standards of this section can result in penalties enforced in accordance with the standards and procedures set forth in Article XV of this chapter, as well as permit revocation, suspension, or nonrenewal, after a hearing.
- (4) No owner may hold more than one (1) short-term rental permit at any given time.
- (5) No property owner shall be eligible for a short-term rental permit during the first two (2) years of their ownership of the subject premises.

- (6) A short-term rental permit shall be valid for a period of two (2) years. An application for renewal shall be required to be submitted sixty (60) days prior to the expiration date to continue to operate and shall demonstrate compliance with any intervening changes to this chapter, the Uniform Fire Prevention and Building Code, the Property Maintenance Code of New York State and other applicable codes, regulations or laws. Any short-term rental permit that has lapsed shall require a new application.
- (7) A short-term rental permit shall not be transferable to a different property or to a new owner. A new owner shall be required to obtain a new permit in compliance with the requirements of this chapter. Any owner who purports to transfer a permit, or who uses a permit that has been transferred, shall be in violation of this chapter.
- (8) The safety of a short-term rental shall be entirely the responsibility and liability of the owner, and the Town of North Salem shall assume no such liability by virtue of issuing a short-term rental permit or of regulating such short-term rental use.

**E. Restricted use.**

- (1) Short-term rental use shall only occur as an “accessory use” to a single-family detached dwelling for which a Certificate of Occupancy has been issued, subject to a “conditional use” permit issued by the Planning Board.
- (2) Any property owner operating a short-term rental without a short-term rental permit on the effective date of this section and thereafter shall be in violation of this chapter and shall immediately cease such operations until such time that a short-term rental permit is issued.
- (3) The time period for the use of an accessory short-term rental shall be temporary and on a periodic basis as defined in this chapter. No short-term rental contract shall be for a term of less than twenty-four (24) hours. Further, the use of a short-term rental permit shall not exceed a total of ninety (90) days per calendar year with no more than a total of thirteen (13) weekends or parts of weekends included in that total. Weekends include any time between Friday evening and Monday morning.
- (4) No short-term rental use shall occur on a vacant lot.
- (5) A single-family dwelling and its accessory apartment(s), if any, shall not simultaneously be used as short-term rentals.
- (6) No more than a single dwelling unit on a property shall be permitted to be utilized as a short-term rental accessory use. Where there is more than a single dwelling unit on a property, one of the dwelling units shall be maintained as the owner’s dwelling (owner-occupied – not rented) to be eligible for a short-term rental permit.
- (7) Any requirement or condition of use as required and established by this chapter and/or any standing permit for an accessory apartment regarding owner occupancy shall also remain in full force and effect with the issuance of a short-term rental permit.
- (8) Multifamily dwellings and any other permitted use not meeting the definition of short-term rental shall not be used as a short-term rental.

**F. Occupancy standards**

- (1)** Short-term rental permit number. Each approved short-term rental shall be assigned a permit number, which shall be conspicuously posted within the short-term rental and in all print and online advertisements and listings.
- (2)** Contacts.
  - (a)** Contact information (name, address, phone and email) for the owner and any representative responsible shall be disclosed in all applications for a short-term rental permit and shall be included in all rental agreements and maintained prominently within the short-term rental.
  - (b)** If the property is not owner-occupied or hosted during the short-term rental period, there shall be a twenty-four (24) hour contact person responsible for the maintenance of the property.
  - (c)** All contacts shall be a person eighteen (18) years of age or older and shall be able to respond to an emergency or complaint at the property in a timely manner, not to exceed one (1) hour.
  - (d)** All contact information shall be provided to the Building/Fire Inspector and transient guests.
  - (e)** A short-term rental shall provide the ability for the transient guests to make emergency telephone calls.
- (3)** Guest register. As a condition of approval, a guest register shall be maintained providing the names and addresses, dates, and length of stay of all transient guests.
- (4)** Unaccompanied minors shall not be permitted in a short-term rental.
- (5)** Short-term rental bedrooms.
  - (a)** All bedrooms shall be inside the dwelling unit and shall not include non-habitable structures, garages, storage sheds or barns, tents or tent platforms, treehouses, outdoor areas, temporary structures or recreational vehicles.
  - (b)** All bedrooms shall be of a minimum size and configuration as otherwise required and approved pursuant to the standing Certificate of Occupancy for the dwelling.
  - (c)** No short-term rental shall result in an increase in the total number of permitted bedrooms within the dwelling served by the septic disposal capacity of the premises. The total number of bedrooms shall be limited to those currently approved in accordance with the standing Westchester County Health District sewage disposal system approval and Certificate of Occupancy issued for the dwelling.
  - (d)** All approved bedrooms shall be identified on the floor plans required with an application for a short-term rental permit.
  - (e)** There shall be no more than two (2) transient guests, not including minor children under the age of twelve (12), per bedroom.
  - (f)** There shall be no kitchen or cooking facilities or appliances in any bedroom.

- (6) Renter rules and obligations. Each rental contract shall include a “Renter Good Neighbor Informational Packet” that includes at minimum the following information (a copy shall also be maintained prominently within the short-term rental):
- Renters shall be provided primary and backup point of contact information.
  - Renters shall observe maximum allowed occupancy standards.
  - Renters shall be provided a map showing the property boundaries and designated off-street parking areas. All parking shall only occur in approved designated locations on the property.
  - Renters shall not trespass on adjoining private property.
  - Renters shall be considerate of the homes and residents of the surrounding neighborhood.
  - Renters shall not create a disturbance perceptible off property and will observe quiet hours from 10:00 pm through 7:00 am.
  - Renters shall be responsible for and comply with pet rules.
  - Renters shall be made aware of the location of fire extinguishers and provide a copy of the emergency exit egress plan.
  - Renters shall be made aware of the location and proper use of trash receptacles.
  - Renters shall be provided with instructions for any interior or exterior recreational fires in fireplaces, fire pits or wood stoves, which must be attended and meet the requirements of the Town and NYS Fire Codes.
  - Renters shall not be permitted to use the short-term rental for any commercial use or commercial event space.
  - Renters shall not use the premises for any outdoor camping.
  - Renters shall be provided with instructions for the use of any pool or hot tub, including explanation of the use of required barrier, barrier latches, alarms, electrical disconnect, and other safety components.

**G. Operational standards.**

- (1) Short-term rental use shall be essentially invisible to the neighborhood, shall not create a nuisance (i.e., noise, odors, trespass, lighting, etc.), shall not be detrimental to the aesthetic quality of the residence or its neighborhood, and shall not interfere with the quality of life in the neighborhood.
- (2) External structural alterations or site improvements that change the residential character of the lot upon which a short-term rental is located are prohibited (examples of such prohibited alterations include the addition of a commercial-like parking lot, exterior lighting, signage, or similar changes not customarily incidental to the principal residential use of the premises).
- (3) There shall be no recreational vehicles, campers or similar located on the property in conjunction with a short-term rental unless such are incidental, not used as living quarters and adequate on-site parking for such exists as demonstrated on the approved Parking Plan required below, and such is also consistent with §250-34 of this chapter.
- (4) Signs. On site signage and advertising of the property as a short-term rental shall be prohibited.
- (5) Short-term rental use is meant to provide temporary lodging in a residential setting and is not to be rented or used for other purposes involving the gathering or assembly of persons, including but not limited to the following:
- Activities involving persons above the number of permitted guests/renter occupants.
  - Weddings, receptions, anniversaries, reunions, parties, concerts, or similar gatherings.
  - Banquets, fundraisers, retreats, business seminars, or other such events sponsored by a business, organization or other agency.

- Filming and photo shoots, except as licensed pursuant to Chapter 90 of the Code of the Town of North Salem.
  - Loudspeakers.
  - Activities resulting in perceptible off-site impact to other properties, such off-site impact includes loud or disruptive noise, trespass, or lewd behavior.
- (6) Food service. No food service use or restaurant use may be operated, and no meals may be prepared or served to other than the transient guest occupants of the short-term rental, subject to applicable food service licensing and permitting.
- (7) Commercial services. No commercial services shall be provided.
- (8) On-site recreational facilities. Rental of on-site recreational facilities shall be limited to the use by the short-term rental transient guests. It shall be unlawful for a property owner to offer for use, rent or lease, or advertise for use, rent or lease, any portion of the residential property, such as pool or hot tub rentals, party or yard rentals, or sport court rentals for recreational use separate from a permitted short-term rental use by the transient guests.
- (9) Code compliance.
- (a) Each short-term rental shall post the property street number at the road and on the dwelling unit consistent with Chapter 40 (Numbering of Buildings) and emergency 911 requirements.
  - (b) Operation of a short-term rental shall comply with applicable State and local codes, ordinances, regulations and laws.
  - (c) Short-term rental use shall only be permitted in those portions of a structure covered by a Certificate of Occupancy for a dwelling unit.
  - (d) At all times, clear visible paths of egress and properly functioning windows and doors in all livable spaces of the dwelling shall be maintained.
  - (e) All short-term rental units shall have primary and secondary means of egress in compliance with the Certificate of Occupancy for the dwelling.
  - (f) Working smoke detectors shall be installed and maintained in each bedroom and one additional detector on each floor, and as otherwise required in compliance with the Certificate of Occupancy for the dwelling.
  - (g) Working carbon monoxide detectors as required per NYS Uniform Fire Prevention and Building Code shall be installed and maintained.
  - (h) A short-term rental shall provide an ABC fire extinguisher on each floor and in the kitchen, which shall be inspected prior to each separate occupancy and no less than monthly to ensure extinguishers are fully charged. A written record shall be maintained and made available to the Building/Fire Inspector upon request.
  - (i) Emergency evacuation procedures shall be posted in each bedroom and kitchen within a short-term rental.

- (j) The owner of a short-term rental shall maintain a written log of the number of guests and the beginning and ending dates of each short-term rental over the course of its two (2) year permit. Quarterly log reports shall be submitted to the Building Inspector and Planning Board Secretary within ten (10) days of the end of each quarter. The dates of each quarter end shall be established by the Planning Board at the time of permit issuance.
- (10) Inspections**
- (a) A proposed short-term rental shall be inspected by the Building Inspector within thirty (30) days of submission of an application to the Planning Board and prior to any permit renewal application, to determine compliance with these short-term rental standards and requirements, and all other provisions of the Town Code and New York State Building, Fire and Stretch Code, as may be amended from time to time.
  - (b) The Building Inspector in enforcement of the provisions of this chapter is authorized to make or cause to be made subsequent inspections to determine continued compliance and condition of a short-term rental to safeguard the health, safety, and welfare of the public.
  - (c) A short-term rental shall be subject to and pass a yearly fire/safety inspection. The report of said inspection shall be attached to any application for renewal.
  - (d) If the Building Inspector determines a short-term rental is not in compliance, the short-term rental shall be discontinued until it has been reinspected and found in compliance and shall be subject to a reinspection fee in accordance with the Fee Schedule for the Town of North Salem.
  - (e) Failure to comply with a scheduled inspection may result in denial of a short-term permit or renewal permit.
- H. Application requirements.** In addition to other applicable application requirements set forth in this chapter, an application for short-term rental conditional use permit shall include the following:
- (1) Statement authorizing Building/Fire Inspector to inspect property to ensure compliance with all requirements and standards contained within this chapter and the NYS Uniform Fire Protection and Building Code.
  - (2) Property owner and twenty (24) hour emergency contact information (name, address, affiliation, phone and email), including owner disclosure as required per Subsection D above.
  - (3) Parking Plan.
    - (a) A parking plan identifying adequately located, sized and constructed off-street parking shall be provided. Parking shall be designed, provided and maintained in accordance with the standards for off-street parking as otherwise regulated in this chapter, including but not limited to the standards set forth in Article VIII of this chapter.
    - (b) The minimum number of off-street parking spaces required shall be determined by the Planning Board.
    - (c) Spaces within a garage (or other enclosed structure) shall not be counted as off-street parking spaces unless the garage is available for transient guest parking.
    - (d) Parking spaces shall be defined and constructed with an all-weather surface.

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- (e) Parking shall not be permitted on any part of the lawn of the property.
  - (f) On-street parking, and parking in non-designated spaces, is prohibited.
- (4) Floor Plans. Floor Plans drawn to scale shall be provided detailing at minimum the following:
- (a) Identification of general floor layout, room usage and identification of all bedrooms and bathrooms, including identification of the maximum number of persons to be accommodated in each bedroom not to exceed the maximum number permitted in this section.
  - (b) For a hosted short-term rental, identification of the number of bedrooms occupied by the principal residents of the dwelling and the total number of bedrooms proposed for short-term rental use.
  - (c) Identification of the means of egress from the dwelling and from each bedroom.
  - (d) A safety/egress plan shall be posted in the rental unit in a visible location and on the back of each bedroom door.
- (5) Solid waste. Facilities to handle solid waste, including recycling, shall be detailed and made available to the transient guests and shall be shown to be easily accessible, secure and screened from adjacent properties. Such facilities shall include details for routine refuse removal utilizing wildlife resistant and secure containment.
- (6) House Rules. A copy of the House Rules and required Renter Good Neighbor Informational Packet as required in this section shall be provided.
- I. Violation, revocation, suspension and nonrenewal.
- (1) Violation of any provisions of a short-term rental permit or the standards in this section, including operation of a short-term rental without a permit, may result in revocation, suspension or nonrenewal of the short-term rental permit and the owner shall be subject to enforcement and penalties set forth in this chapter.
- (2) The Planning Board may revoke or suspend an existing permit or deny a permit renewal upon the finding of one or more of the following criteria:
- (a) The permit was issued in error or based on false or misleading information.
  - (b) The premises certificate of occupancy is suspended or revoked.
  - (c) The permit holder is in violation of any provision of its short-term rental permit or the standards in this section.
  - (d) An unresolved violation existed beyond the time provided to remedy.
  - (e) The subject premises were rented for transient occupancy while the associated short-term rental permit was lapsed, suspended, or revoked.
  - (f) The Building Inspector was barred entry to the property after proper notification or was otherwise subjected to unreasonable interference during an inspection or enforcement investigation conducted pursuant to this chapter.

- (3) Written notice of intent to revoke or suspend a rental permit shall be served by certified mail, return receipt requested, and by regular mail, to the permit holder at the address shown on the permit at least ten (10) days prior to such hearing so that they may have an opportunity to be heard. Service of a notice properly addressed returned by the post office as undeliverable for any reason shall be valid.
- (a) The notice shall state the following:
- i. The date, time and place of the hearing to be held before the Planning Board.
  - ii. In the event the permit is alleged to have been issued in error or as a result of false or misleading information, submission or certification, the notice shall identify the error, omission, false or misleading statement or submission at issue.
  - iii. The permit holder is entitled to be represented by legal counsel at the hearing and may present testimony from witnesses and such other evidence as the permit holder may deem relevant or necessary.
  - iv. Should the permit holder fail to appear at the hearing, the short-term rental permit shall be automatically revoked or suspended.
- (b) Amendment, modification or withdrawal. The Planning Board may amend, modify or withdraw any notice issued if in its judgment, the circumstances warrant such action provided the amended or modified notice is served in the same manner as the original notice within five (5) days of mailing the original notice, and a hearing has not occurred, except that a notice may be withdrawn in its entirety and not reissued at any time.
- (4) Conduct of hearing. A hearing shall occur before the Planning Board and may be adjourned by the Planning Board only upon good cause shown, unless otherwise agreed to between the Planning Board and the permit holder. At the hearing the applicant shall be entitled to be represented by legal counsel and provided with an opportunity to be heard. The applicant may present the testimony of witnesses, experts and other evidence on their behalf. The Building Inspector or other witness may appear and give testimony or submit evidence. All hearings shall be recorded either by a stenographer or by an audio recording.
- (5) Final order of revocation or suspension. The Planning Board shall consider the evidence presented and shall submit its findings in writing within thirty (30) days of the closure of the hearing. A copy of the Planning Board's written determination shall be filed with the Building Inspector and the Town Clerk and served on the permit holder in the same manner as the hearing notice.
- (6) Effect of revocation.
- (a) Where a permit is revoked based upon false information or misrepresentation, the permit holder shall be barred from applying for any new short-term rental permit for a period of twelve (12) months.
  - (b) If a short-term rental permit is revoked, no application for a new permit will be accepted for filing until the applicant has remedied the conditions that formed the basis of the revocation to the satisfaction of the Planning Board. Once remedied, the applicant will have to apply for a new permit and pay the fee as in the case of an original application.

**4. REPLACE Subsection A of § 250-21, Front Yard Exceptions with the following:****§ 250-21 Front yard exceptions.**

- A. The Board of Appeals may permit a watchman's security accessory structure not to exceed a footprint of 100 square feet within a required front yard located along a driveway.

*{Note: This also deletes subparagraphs (1) and (2)}*

**5. ADD NEW Subsection M to Existing § 250-40, Prohibited Signs as follows:**

- M. Signs advertising a property or portion thereof as a short-term rental.

**6. REPLACE existing § 250-45A with the following:**

- A. No site development plan approval shall be required for single-family detached residential uses or for additions, alterations or structures accessory thereto, except for associated uses requiring a special permit (excluding those subject to the Zoning Board of Appeals except for Accessory Seasonal Outdoor Restaurant Seating) or conditional use approval. All other principal uses, including an additional principal use on a lot, shall require a site development plan approval prior to the issuance of a building permit, certificate of occupancy or certificate of use except for the following:

- (1) A farm or agricultural operation and the necessary structures incidental thereto.
- (2) Ordinary repair or maintenance or interior alterations to existing structures and uses whether such uses are permitted as of right or nonconforming, provided a conditional use approval or a special permit is not required. Any repair, maintenance or alterations involving a nonconforming use shall comply with the pertinent requirements herein.
- (3) A change of use when such change is to a use within the same use category (within the same item in the Table of General Use Requirements for the same zoning district), when such change involves only interior alterations.

**7. REPLACE existing § 250-68A with the following:**

- A. The owner of the property shall occupy at least one of the dwelling units. Approval of an accessory apartment shall apply to the owner of the property and not to the property itself.
- (1) All applications for an accessory apartment shall disclose the names of all persons or other ownership entities with any percentage of fee-simple ownership of the property upon which the accessory apartment is proposed, as well as the name of the person from said ownership that will be the resident occupant. The Building Inspector and Secretary to the Board of Appeals shall be notified in writing within thirty (30) days of any changes of the individuals disclosed.

- (2) All owners of a property holding an accessory apartment permit shall be equally responsible for the operation and maintenance of the accessory apartment and associated property, as well as for compliance with these accessory apartment standards and the terms and conditions of an approved accessory apartment permit.

**8. REPLACE existing § 250-94, Penalties for Offenses with the following:**

**§ 250-94 Penalties for offenses.**

Any person who shall violate any provision of this chapter or who shall build or alter any structure or use any land in violation of any statement or plan submitted and approved thereunder or who shall knowingly assist therein shall be liable to a fine not exceeding three hundred fifty (\$350) dollars or imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment for conviction of a first offense. Conviction of a second offense both of which were committed within a period of five (5) years, shall be punishable by a fine not less than three hundred fifty (\$350) dollars nor more than seven hundred (\$700) dollars or imprisonment for a period not to exceed six (6) months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine not less than seven hundred (\$700) dollars nor more than one thousand (\$1,000) dollars or imprisonment for a period not to exceed six (6) months, or both. Each week's continued violation shall constitute a separate and additional violation. In addition to the foregoing provisions, the Town shall have such other remedies for any violation or threatened violation of this chapter as is now or may hereafter be provided by law.