

CITY OF RENSSELAER

LOCAL LAW NO. 6 OF THE YEAR 2024.

**A Local Law to Amend Chapter 179,
Article I and II of the Code of the City
of Rensselaer Relative to Bed and
Breakfasts**

Be it enacted by the Common Council of the City of Rensselaer as follows:

ARTICLE I. INTENT

This Local Law shall be known as Local Law No. 6 of 2024, and shall amend Chapter 179, Article I and II of the Code of the City of Rensselaer relative to Bed and Breakfasts, otherwise known as Short Term Rentals, and this Local Law amends all previously adopted Local Laws concerning such Chapter, Article and Sections of the Code of the City of Rensselaer. The purpose of this Local Law is to update such Chapter, Articles and Sections of the City Code so as to properly regulate Bed and Breakfasts, otherwise known as Short Term Rentals, as they evolved since the Zoning Code was last updated concerning same.

ARTICLE II. LEGISLATIVE ACTION

The Common Council of the City of Rensselaer, New York, hereby amends Chapter 179, Article I and II of the Code of the City of Rensselaer, New York, so as to read as follows:

Section 179-4 DEFINITIONS

BED-AND-BREAKFAST (Also Known As "Short Term Rental")
An owner-occupied residence within which is rented to transient, paying customers, for a period of 30 or fewer continuous days, no more than four rooms, with a maximum occupancy of two persons per room, without cooking facilities in guest-occupied rooms. All bed-and-breakfasts are subject to regulations found in § 179-26.

Section 179-26 Bed-and-Breakfasts.

The purpose of bed-and-breakfast regulations is to ensure that operations are compatible with and do not disrupt the residential neighborhoods in which they are located. A bed-and-breakfast establishment is permitted in accordance with the Bulk and Use Tables, subject to the following standards.

- A. A bed-and-breakfast shall only be established in a single-family detached dwelling.
- B. A maximum of four guestrooms and a maximum of 8 overnight guests at any time shall be permitted in any one bed-and-breakfast establishment.
- C. No food preparation, except beverages, is allowed within individual guestrooms. Meal service may only be provided to overnight guests, except in the case of special events or similar functions, subject to the requirements in § 179-37.
- D. All parking areas on property (except driveways) shall be behind the required building setback line and shall be screened from the view of adjacent residences to a height of six feet by a solid screening fence, or by dense shrubs and vegetation.
- E. The operator of the bed-and-breakfast shall be a full-time resident of the dwelling in which the bed-and-breakfast establishment is housed (owner occupied), and shall have no on-premises employees, except the owner or family member.
- F. No exterior evidence of the bed-and-breakfast establishment shall be allowed, except for parking and either one attached wall sign no larger than eight square feet, or one freestanding sign in the yard no larger than 12 square feet, and located at least five feet from any lot line. No additional advertising of any kind is allowed on site. The Planning Commission shall have discretion regarding the location of the attached or freestanding sign.
- G. An event application shall be filed for special events or similar functions to be held on the premises. Guests for such events shall be limited to a total of 30 (including overnight guests). In cases where an application is required, the following procedure shall be adhered to.
 - (1) Event application. An event application shall be made in writing and submitted to the Building and Zoning Administrator, upon forms prescribed by and provided by the City Building Dept., and shall contain the following information:

(a) The name, address and telephone number of the applicant.

(b) Location of buildings, structures or land to which, or upon which, the event is to be held.

(c) Date, time, duration, and expected number of guests for the event.

(d) An explanation as to how the impact to surrounding properties will be mitigated. Such explanation shall address parking, noise, and visual impacts.

H. The Planning Commission Building and Zoning Administrator shall use as criteria for the granting of a Bed and Breakfast permit:

(1) The square footage of the property dedicated to the use of the business compared to the total square footage of the building or buildings intended for the business usage.

(2) Adequate parking site adjacent to or available to the building intended for the use.

(3) Use of surrounding properties and density of dwellings proximate to the subject property.

(4) Provision of documentation showing that the residence to be used as a Bed and Breakfast is properly insured.

(4) Violation of any law, rule, regulation or ordinance of the City of Rensselaer, the State of New York or the United States of America arising out of the use of the property as a bed-and-breakfast shall automatically void any Bed and Breakfast Permit.

(5) Any other matter which impacts (either positively or negatively) upon the zone where the special permit is intended to be used or upon the community as a whole.

I. The Building and Zoning Administrator shall impose an Initial Fee for Bed and Breakfasts as well as an Annual Renewal Fee.

J. The Initial and Annual Fee shall cover the cost of an annual fire inspection that will be required in order to operate the Bed and Breakfast.

K. The Zoning Board of Appeals shall have the authority to impose additional reasonable conditions and restrictions as are directly related to and incidental to the proposed bed-and-breakfast establishment.

Sections 179-6 (B) (9) and 179-8 (B) (10) shall be created to list "Bed and Breakfast" as a Permitted Use in R-1 and R-2 Residential Districts, and Sections 179-7 and 179-9 shall be amended to include "Bed and Breakfast" as a Permitted Use on the Bulk and Use Tables for R-1 and R-2 Districts.

The appropriate Fee Schedules shall be amended as follows:

- Bed and Breakfast Initial Permit*: \$500.00
- Bed and Breakfast Annual Renewal of Permit*: \$300.00

* includes the fee for annual fire inspection which is presently \$200.00