

TOWN OF SPAFFORD
LOCAL LAW 4-2016

A LOCAL LAW TO AMEND THE ZONING CODE OF THE TOWN OF SPAFFORD FOR THE
PURPOSE OF REGULATING THE SHORT TERM RENTAL OF HOMES

Be it enacted by the Town Board of the Town of Spafford as follows:

SECTION 1: The purpose of this Local Law is to amend the Zoning Code of the Town of Spafford to regulate the short term rental of homes within the Town. The Town recognizes from time to time local residents have the need to rent their homes, many of which are camp properties located on or near the shores of the two lakes located within the Town borders, Lakes Skaneateles and Otisco.

The Town also recognizes that Spafford has historically been an Agricultural and Residential, rural community and that the conversion of residential property through extensive short term rentals may endanger the rural, residential nature of the community and may cause disruption to the peace, quiet and enjoyment of residential members of the community. Reference is made to Section 1-2 of the Zoning Code of the Town of Spafford.

SECTION 2: To achieve these stated goals, the Zoning Code of the Town of Spafford is amended as follows:

Amendments to Article I, Title, Intent, and Definitions, Section 1-5 Word Usage, Definitions:

Section 1-5 of the Zoning Code of the Town of Spafford is hereby amended to remove the definition of "Temporary Rental" and replace it with the following:

Temporary Rental

The rental of a one-family or two-family dwelling by the owner of the dwelling for a term not to exceed one hundred twenty (120) days in any given calendar year.

Article VII, Regulations Applicable to All Zoning Districts is amended to include Section 7-24 which shall provide as follows:

Temporary Rentals – are subject to the following rules and regulations:

1. The owner of a one-family or two-family dwelling may rent the dwelling subject to all terms and conditions of this and all other provisions of the Zoning Code of the Town of Spafford, for a term not to exceed one hundred twenty days (120) days. The owner may rent the dwelling multiple times in any given year, but the total duration of all rentals may not exceed one hundred twenty (120) days per calendar year.
2. If the residential premises contains two (2) bedrooms or less, the maximum number of persons allowed to occupy the premises during the period of rental may not exceed eight (8) people, for overnight occupancy.
3. If the residential premises contains more than two (2) bedrooms, the maximum number of persons allowed to occupy the premises during the period of rental may not exceed ten (10) people, for overnight occupancy.

4. It is the owner(s) as well as the renter(s) responsibility to ensure that the use and occupancy of a temporary rental premises does not create undue or excessive noise or disturbance and that the same does not endanger the health, comfort, use, enjoyment, safety or welfare of any person, property or vegetation within the Town, and is otherwise in compliance with the Zoning Code of the Town of Spafford.

5. The premises is not to be rented for any commercial purpose, or any other purpose not expressly permitted herein, such as concerts or weddings.

6. All owners offering a temporary rental must complete a registration form, a copy of which is attached hereto as Exhibit "A", and are required to pay a \$100.00 registration fee for each year they intend to offer temporary rentals. The Town Board may from time to time modify the registration form and/or the registration fee by resolution of the Town Board.

7. Penalties for violations of this Section include those set forth under Article IV of the Zoning Code of the Town of Spafford. If, after notice of violation and a hearing, the owner(s) of registered temporary rental premises are found to have violated the provisions of this Section on multiple occasions, the Town of Spafford Code Enforcement Officer shall have the discretionary authority, pursuant to the enforcement provisions of the Town of Spafford and Article IV of the Zoning Code of the Town of Spafford, to suspend or revoke the registration of any temporary rental premises where such violations have occurred.

8. All owners offering a temporary rental must comply with all applicable local, state and federal tax requirements.

Article VIII, Regulations Applicable to Special Use Permits is amended to add Section 8-17 entitled "Temporary Rentals."

Section 8-17 Temporary Rentals

1. An owner of a residential property may seek approval for the temporary rental of the property under terms that may be inconsistent or deviate from the requirements set forth in the Zoning Code of the Town of Spafford through application of a Special Use Permit and pursuant to the terms and procedures as set forth under Article VIII of the Zoning Code of the Town of Spafford.

SECTION 3: Sunset/Amortization

3-1. Preexisting, non-conforming rentals of one-family and two-family dwellings that predate the enactment of this Local Law, which amends the Zoning Code of the Town of Spafford to limit the temporary rental of such dwellings to one hundred twenty (120) days per calendar year and to require the owner(s) of such temporary rental premises to register with the Town, shall conform to the provisions of the Zoning Code of the Town of Spafford, as amended by this Local Law, within five (5) years from the date of its passage. This is intended as a sunset/amortization provision.

3-2. The Planning Board of the Town of Spafford may grant an extension of time allowing the owner(s) of a one-family or two-family dwelling to continue the preexisting, non-conforming rental of the property after the conclusion of the five (5) year amortization period described in Section 3-1 of this Local Law, provided that the owner(s) prove that, due to specific circumstances, such amortization period is unreasonable and will result in a substantial loss of investment. In order to secure an extension of time, the owner(s) must submit to the Planning Board a written request for such extension

at least sixty (60) days prior to the expiration of the amortization period, together with relevant, credible documentary evidence supportive of their request, such as financial statements and tax records. In making its determination, the Planning Board shall consider, among any other relevant factor:

- i. the nature of the non-conforming rental;
- ii. the cost of converting to a conforming temporary rental;
- iii. the amount and nature of the investment in the non-conforming rental dwelling;
- iv. the detriment caused by the non-conforming rental;
- v. the character of the neighborhood;
- vi. the good faith efforts of the owner(s) to have amortized the cost of the investment during the course of the amortization period provided by Section 3-1 of this Local Law

SECTION 4: Effective Date

This Local Law shall be effective upon filing with the office of the Secretary of State.
