

**LOCAL LAW NO. 2 OF THE YEAR 2023**

**Town of Urbana**

**County of Steuben, State of New York**

**TITLE:** "Temporary Moratorium on Short-Term Rentals."

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF URBANA, COUNTY OF STEUBEN, AND STATE OF NEW YORK, AS FOLLOWS:**

**SECTION 1. Legislative Intent.**

1. The residential character of the Town of Urbana (the "Town") is a source of pride and economic stability for the Town and its residents.

2. The recent trend of existing residential structures being used by owners for the primary purpose of renting to short-term rental occupants has created concern that the residential character and economic base of the Town is threatened. Changes in technology have given rise to new issues in land use planning and regulation, including those related to so called "vacation rentals" or "short-term rentals." The Town Board hereby finds that more specific zoning provisions are appropriate to address this increasingly popular land use activity and that short-term rentals can and do create conflicts with their residential neighbors, and have the potential to degrade agricultural areas and residential neighborhoods by introducing crime, noise, parking congestion, and other detrimental impacts while also adversely affecting the traditional neighborhood character that results from a community of owner-occupied and long-term rental properties. As such, the Town Board finds that unregulated short-term rentals may be incompatible with certain zoning districts and that such uses must be carefully regulated and monitored to minimize deleterious effects in these zoning districts. This is particularly so in those situations where the property owner is not present during times of short-term rental occupancy.

3. Unless reasonable measures are taken for an interim period to protect the public interest pending the completion of necessary meetings and required public hearings, further conversions of residential properties and establishment of new short-term rental uses, at the current rate or an accelerated rate, may occur within the Town that may thereby:

a. Preclude or otherwise undermine consideration and implementation of appropriate and salutary planning measures, including the amendment of the Code of the Town of Urbana (the "Town Code"), environmental review procedures, and other development regulations;

b. Permit significant variations in neighborhoods where the Town may wish to implement changes in the Town Code and such variations may impede or destroy the integrity of changes which may be proposed; and

c. Create conditions, or worsen existing conditions, which the Town Board hereby finds to be detrimental to the public health, safety, and general welfare.

4. It is the finding of the Town Board that a review of the Town Code is necessary to determine how to best regulate short-term rental uses within the Town so as to avoid adversely impacting agricultural areas, residential districts and the community character in general, and that the review and possible revision of the Town Code as envisioned by this Local Law is necessary to protect the health, safety, and welfare of present and future residents of the Town of Urbana.

## **Section II. Authority and Purpose.**

The Town Board of the Town of Urbana hereby adopts this Local Law pursuant to its general zoning authority under New York Town Law Sections 261 and 263, and New York Municipal Home Rule Law Section 10, for the purposes of addressing the potential threat to the public health, safety and welfare described at Section I above.

## **Section III. Definitions.**

For purposes of this Local Law, the term "short-term rental" as used herein shall have the following meaning:

A Building principally used for living quarters by one (1) or more families. The terms "Dwelling," "One-Family Dwelling," "Two-Family Dwelling," "Multifamily Dwelling," "multiple dwelling" or "Dwelling Group" may be deemed to be a "Short-Term Rental" if any portion of the Premises is rented for compensation in exchange for lodging for a period of not more than thirty (30) consecutive days. This may include campgrounds, tent sites, tent platforms, or other temporary structures on the Premises.

Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in Chapter 105, Article I, Section 105-4(B) of the Town Code.

## **Section IV. Intent.**

It is the intent of the Town Board to protect the public health, safety, and welfare by enacting this interim moratorium law for a reasonable period. It is the

purpose of this Local Law to allow the Town to comprehensively and timely review the uses that are within the scope of the moratorium so that adequate land use and regulatory controls may be presented for action by the Town Board at or prior to the expiration of the period of the moratorium. During said period, the Town Board, the Town Planning Board/Zoning Board of Appeals, and/or such other panel or body as may be designated by the Town Board for this purpose shall complete an evaluation and assessment of existing land use plans and regulations for lands within the Town and make recommendations to the Town Board as to potential amendments to address the potential threat to the public health, safety, and welfare described at Section I above. The Town Board shall thereafter enact necessary modifications to the Town Code. The Town Board declares that the enactment of this Local Law is necessary to protect the public health, safety, and welfare.

### **Section V. Regulations.**

Except as otherwise provided herein, effective on the effective date of this Local Law, and continuing until one hundred eight (180) days from the effective date of this Local Law, unless the Town Board, by resolution, establishes an earlier date, no newly created short-term rental use shall be established or expanded within the Agriculture and Residence zoning districts in the Town of Urbana, and no application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, demolition permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval shall be accepted, processed, continue to be processed, approved, approved conditionally, or issued for the construction, establishment, or use or operation of any land, building, or other structure located within any of the aforesaid zoning districts for any land use activity that includes the establishment or expansion of short-term rental use, either in a principal structure or any accessory structure. The prohibition referred to hereinabove shall not apply to short-term rental uses that were lawfully established prior to the effective date of this Local Law, nor to the issuance of building permits for structural repairs, renovations, or alterations which do not involve the expansion of an existing short-term rental use or the establishment of a new short-term rental use.

### **Section VI. Supersession of Town Law.**

The provisions of this Local Law, and any moratorium enacted hereunder, shall supersede in their application to the Town of Urbana any and all contrary provisions of New York Town Law Sections 261 and 263, and New York Municipal Home Rule Law Section 10, including, but not necessarily limited to, the provisions with respect to any time periods within which the Town or the Planning Board is required to act in regard to any application, and with respect to default approval of any such application within such time periods as may be prescribed in said Town Law.

**Section VII. Penalties for Offenses.**

Any person, firm, or entity acting in violation of the provisions of this Local Law shall be subject to:

1. A fine not to exceed Five Hundred and No/100 Dollars (\$500.00) per day from the date that any action is taken **in** contravention of this Local Law, together with any other civil remedies available at law;
2. Injunctive relief in favor of the Town to cease any and all such action which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law; and
3. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, and regulations of the Town for violations.

**Section VIII. Validity and Severability.**

Should any word, section, clause, paragraph, sentence, part or provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

**Section IX. Repeal, Amendment and Supersession of Other Laws.**

All other ordinances or local laws of the Town of Urban which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period.

**Section X. Effective Date.**

This Local Law will take effect upon filing in the office of the New York State Secretary of State.