

TOWN OF AURORA

LOCAL LAW INTRO 5 - 2024

LOCAL LAW NO. ____

A LOCAL LAW, TO AMEND LOCAL LAW 1-1990 KNOWN AS THE CODES OF THE TOWN OF AURORA, ADOPTED BY THE TOWN BOARD OF THE TOWN OF AURORA ON JANUARY 22, 1990, BY AMENDING CHAPTER 116 BY AMENDING DEFINITIONS; ADDING DEFINITIONS; AND ADDING BED-AND-BREAKFAST AND SHORT TERM RENTAL AS A PERMITTED USES IN THE R, A, and C1 DISTRICTS WITH A SPECIAL USE PERMIT BY THE TOWN BOARD.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF AURORA AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT

This Local Law amends a prior Local Law known as The Codes of the Town of Aurora, adopted by the Town of Aurora Town Board on January 22, 1990, as amended, relating to the administrative, legislative and general legislation of the Codes within the Town of Aurora as herein set forth. This legislation amends and adds definitions and Short Term Rental as a permitted use when granted a special use permit by the Town Board.

SECTION 2. CHAPTER 116, ARTICLE I, SECTION 116-8.4 RR RURAL RESIDENTIAL DISTRICT

Chapter 116-4 Definitions is amended by adding, amending and adopting as follows:

Replace Bed-And-Breakfast Dwelling with:

Bed-And-Breakfast - An owner-occupied residence resulting from a conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than ten transient occupants, and containing not more than five-bedrooms for such occupants.

Replace Rooming House or Boarding House with:

Rooming House or Boarding House – A dwelling unit used for temporary or transient occupancy purposed by at least three (3), but not more than twelve (12) individuals not constituting a family or functional family unit who pay expenses by the room or based on a share of the total expenses of the dwelling unit. The term does not include a motel, hotel, group residence or short-term rental.

Replace Short-term rental with:

Short-term Rental – An owner occupied dwelling or dwelling group that is converted and rented for periods of not less than one night and not more than thirty (30) consecutive days.

1) In a single-family dwelling, the dwelling shall be owner occupied during an period of time in which it is being used and occupied as a short-term rental.

2) In a multi-family dwelling, one unit shall be owner-occupied during any period of time in which another unit in the building is being used and occupied as a short-term rental.

3) In a dwelling group, one dwelling shall be owner-occupied during any period of time in which another dwelling is being used and occupied as a short-term rental.

Add:

Landlord - Owner of real property that is leased to another individual or individuals.

Long Term Rental -A parcel or dwelling that is leased or rented for primary occupancy for a period exceeding thirty consecutive days.

Non-owner Occupied -A parcel or dwelling that is not used by the owner(s) as their primary residence.

Owner Occupied -A parcel or dwelling that is used by the owner(s) as their primary residence.

Rent – A payment made periodically by a tenant or transient to a landlord in return for use of a dwelling, land, a building, an apartment, an office or other property. The term includes “Lease”.

Transient Occupant – Any person (individual) who pays rent to obtain lodging space of the use of lodging space for a period of more than one (1) night, but less than thirty (30) consecutive days.

The term includes “paying guest or guests”.

Chapter 116-8.1 A is amended by deleting 116-81A (8).

Chapter 116-8.1 is amended by adding new 116-8.1B Permitted uses as follows:

B. Permitted uses when approved by the Town Board through a special use permit:

(1) Owner-occupied Bed-and-Breakfast dwelling.

(a) Requirements

1) Survey showing parking area(s) – all parking must be accommodated on site.

There shall be a minimum of two (2) parking spaces for the dwelling owner(s) and a minimum of one (1) parking space for each bedroom being rented.

2) Detailed floor plan of dwelling.

3) Documentation verifying length of stay, number of bedrooms being rented, and number of transient residents, such as a registration ledger or receipts, shall be made available to the Code Enforcement Officer upon request.

4) Property owner shall make their property available to the Code Enforcement Officer for a Fire Safety Inspection in accordance with Section 116-46 prior to the review by the Town Board of the Special Use Permit application.

5) The dwelling and any pool or spa on site shall comply with the New York State Uniform Fire Prevention and Building Code requirements for Bed-and-Breakfast dwellings, habitable space and pools and spas.

6) Occupancy shall not exceed five (5) bedrooms and ten (10) transient occupants.

7) An annual Fire Safety inspection by the Code Enforcement Officer is required. Failure to have the required inspection completed will result in revocation of the special use permit.

(2) Owner-occupied short-term rental

a) Requirements:

1) Survey showing parking area(s) – all parking must be accommodated on site. There shall be a minimum of two parking spaces for the dwelling owner(s) and a minimum of one parking space for each room or unit being rented.

2) Detailed floor plan of dwelling

3) Documentation verifying length of stay, number of bedrooms being rented, and number of transient residents, such as a registration ledger or receipts, shall be made available to the Code Enforcement Officer upon request.

4) Property owner shall make their property available to the Code Enforcement Officer for a Fire Safety Inspection in accordance with Section 116-46 prior to the review by the Town Board of the Special Use Permit application.

5) The dwelling and any pool or spa on site shall comply with the New York State Uniform Fire Prevention and Building Code requirements for Bed-and-Breakfast dwellings, habitable space and pools and spas.

6) Occupancy shall not exceed three (3) bedrooms and six (6) transient occupants.

7) An annual Fire Safety inspection by the Code Enforcement Officer is required. Failure to have the required inspection completed will result in revocation of the special use permit.

Chapter 116-8.2 is amended by adding new 116-8.2B Permitted uses as follows:

B. Permitted uses when approved by the Town Board through a special use permit:

(1) Any use requiring a special use permit in the R-1 district.

Chapter 116-8.3B is amended by adding new 116-8.3B(1) as follows:

(1) Any use requiring a special use permit in the R-1 district.

Chapter 116-8.4 is amended by deleting 116-8.4 A.(8)

Chapter 116-8.4B is amended by adding new 116-8.3B(1) as follows:

(1) Any use requiring a special use permit in the R-1 district.

Chapter 116-8.5 B is amended by adding:

(14) Owner-occupied Bed-and-Breakfast.

(15) Owner-occupied Short-term rental.

Chapter 116-8.7 D. is amended by replacing 116-8.7 D. (5) with:

(5) Hotel and motel

And adding new (6) and (7):

(6) Owner-occupied Bed-and-Breakfast dwelling (see 116-8.1 for requirements).

(7) Owner-occupied Short-term rental (see 116-8.1 for requirements).

Chapter 116-27 Off-street parking Guideline shall be amended by deleting bed-and-breakfast from the Boarding or rooming house section and adding a new section under Type of Use and Number of Parking spaces:

Bed-and-Breakfast; owner-occupied short-term rental – minimum of two (2) parking spaces for the dwelling owner(s) and a minimum of one (1) parking space for each bedroom being rented.

SECTION 3. SEVERABILITY.

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York Secretary of State.