

V. Summer transient occupancy. [Added 2-15-2000 by Ord. No. 4-2000; amended 4-20-2004 by Ord. No. 2-2004; 2-21-2006 by Ord. No. 4-2006; 10-3-2006 by Ord. No. 7-2006; 9-18-2007 by Ord. No. 6-2007]

- (1) Applicants shall submit completed special use permit applications to the City Clerk's office starting no earlier than September 1 for all applications for the period June 1 through August 31 of each summer transient occupancy rental season. New applications which would be summarily denied under section Subsection V(6)(a) shall not be accepted. Completed new applications shall be forwarded by the Clerk's office to the City of Oneonta Planning Commission for review and approval or denial. The City Clerk's office shall notify the applicant of the date and time of the meeting during which the application will be reviewed. The City Clerk shall further notify the Oneonta Police and Fire Departments, Code Enforcement Office and Alderman for the ward in which the property lies.
- (2) Authority to grant or deny special use permits for summer season occupancy. Anything heretofore notwithstanding, the Planning Commission shall have the authority to issue new special use permits and the City Clerk shall have the authority to issue renewal special use permits under this provision.
- (3) Fee. A nonrefundable special use permit fee of \$250 per property for new applications and \$100 per property for renewal applications must be submitted at the time of application.
- (4) Property requirements/required materials to be provided with application. The following requirements must be met and proof submitted with applications. Proof may include photocopies, photographs, signed application statements, or other verifiable information. Other materials such as information on tenant rules, code of conduct property safety features, or letters of support from neighbors may be included.
  - (a) All applications for summer transient occupancy rentals must include a copy of a current and valid certificate of substantial compliance issued by the City of Oneonta Code Enforcement Office.
  - (b) All summer transient occupancy rental properties shall have posted on or about the inside of the front or main door of each dwelling unit a card listing emergency information. Such information shall include, but not be limited to: the name, addresses and phone numbers of the building owner, if local, or a local agent, and second local contact person who will be available for problems/emergencies that may arise, and instructions on dialing 911 for emergency/fire/ambulance assistance. A local agent shall be a person that meets the criteria for local agents found at § 158-58B of the Code of the City of Oneonta and one who can respond in person to calls within one hour. "Nonresident owners" as that term is used at § 158-58B shall be defined as those persons that reside outside of the following zip code areas: 12116, 12155, 13348, 13415, 13747, 13750, 13751, 13753, 13757, 13775, 13776, 13796, 13806, 13807, 13808, 13810, 13820, 13825, 13834, 13846, 13859, 13860, 13861.
  - (c) All applicants, both renewal and new, must notify, in writing, via regular first-class mail, all property owners within a two-hundred-foot radius of proposed summer rentals and must include in such notification the name and phone numbers of at least a total of two local agents who will be available for problems/emergencies that may arise and whom neighbors may contact in the event of complaints or problems with the summer rental. This will not serve as official notification of a hearing before the Planning Commission. The Commission, via the City Clerk's office, will notify residents in the area per current practice for all new applications. Renewal applications will not be subject to neighbor notifications from the City Clerk's office.
  - (d) That the property has at least one off-street parking space for each rental dwelling unit.
  - (e) That the property owner will comply with all applicable occupancy limitations of the City of Oneonta Housing Code, including but not limited to §§ 158-10A, 158-11A and C, 158-12E(1), 158-14B(2) and (3). A scaled floor plan sketch showing dimensions, room uses, and door and window locations is required for all new applications and for renewal applications, if changed.
- (5) Conditions for denial of special use permit. Prior year's issuance of a special use permit does not imply/guarantee approval of subsequent applications. The City of Oneonta may deny issuance of a special use permit for summer transient occupancy rentals based on any or all of the following criteria:
  - (a) The applicant property failed to conform to special use permit conditions in the previous year;
  - (b) The applicant property fails to meets all standards of the certificate of substantial compliance;
  - (c) Tenants at the property were issued more than two noise ordinance violations during the

- previous summer rental season;
- (d) Any other reasonable and rational factors or combination of factors (e.g., small lot, inadequate street parking, etc.) that would cause a clearly detrimental impact on the neighborhood where the permit is to be issued.
- (6) The City of Oneonta shall deny issuance of a new special use permit for summer transient occupancy rentals based on the following criteria:
- (a) The property is a rental property and falls within a three-hundred-foot area within the RD1, RD2 and RD2A Districts, and a two-hundred-foot area within all other districts, of another previously permitted summer rental property in a neighborhood. There will be no density limit restrictions within CBD-A, CBD-B, CBD-C, CBD-BWW, CBD-T and GBD Zones, nor at any property fronting on the entire length of Main Street, the entire length of Chestnut Street, the entire length of River Street and the entire length of Division Street.
- (b) Area measurement. The three-hundred- and two-hundred-foot-radius measurement shall be defined as those areas measured from each corner of the property as per standard practice of the Code Enforcement Office.
- (c) Shared driveways: if there is a shared driveway and each property is owned by different owners, unless each property owner states in writing he/she has no objection to the issuance of the special use permit. Additionally, if all properties involved are owned by the same owner, this restriction shall not apply.
- (7) Approval or denial.
- (a) For new applications, the City Clerk's office shall notify applicants of approval or denial within 45 days of application. Reasons for approval or denial of an application shall be stated for the record during the meeting and given in writing, and applicants shall be notified of the process of appeal.
- (b) For renewal applications, the City Clerk's office shall have the authority to immediately approve the application if all required documentation and other pertinent information has been submitted and meets all review criteria as set forth in this Subsection V.
- (c) Applicants who are denied a permit may appeal within 45 days to the Board of Public Service.
- (8) Fines and penalties/failure to obtain a special use permit; occupancy rental without a special use permit. An administrative penalty shall be imposed against the owner of the premises in the amount of \$250 per day for every day said premises is rented as a summer transient occupancy rental without a permit. Such penalty shall be determined upon investigation and determination by the Code Enforcement Office. The property owner shall be notified in writing of any violation or imposition of a penalty and the process for appeal. Any finding and/or imposition of a penalty may be appealed in writing to the Board of Public Service within 45 days of the notice of violation. A claim of ignorance of the provisions of this statute shall not be a basis for appeal. Any amount of an administrative penalty which is not paid within 45 days of notice or within 45 days after appeal shall be charged an additional administrative penalty of twelve-percent interest, and the same shall be relieved upon the real property taxes for the property and become a lien against the premises.
- (9) Saving clause. If any clause, sentence, paragraph, section or part of Subsection V shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.