

TOWN OF RHINEBECK

LOCAL LAW NO. __ OF THE YEAR 2024

**A LOCAL LAW TO AMEND CHAPTER 125, ARTICLE 5
“SHORT TERM RENTALS” OF THE TOWN OF RHINEBECK
CODE AND ATTACHMENT 2 – SCHEDULE OF USE REGULATIONS**

BE IT ENACTED by the Town Board of the Town of Rhinebeck as follows:

SECTION 1. TITLE:

This Local Law shall be known, and may be cited as Local Law No. ____ of the Year 2024 amending Chapter 125, Article 5, Section 125-61 et. seq. and the Schedule of Use Regulations - Attachment 2 of the Town of Rhinebeck Code.

SECTION 2. AUTHORIZATION:

The adoption of this Local Law is in accordance with §264 of the New York State Town Law and §10 of the New York State Municipal Home Rule Law.

SECTION 3. LEGISLATIVE INTENT AND PURPOSE:

The Rhinebeck Town Board recently enacted Local Law No. 6 of the Year 2024 titled: “A Local Law to Amend the Rhinebeck Town Code to Add Chapter 125, Article 5 ‘Short Term Rentals’”. The Town Board has determined that it would be in the best interests of the Town to amend said Code provisions to provide, in relevant part, that the primary residence requirement for short term rentals, as set forth in §125-63(e) of the Code should not apply to working farms. The Town Board also recognizes that Attachment 2 – Schedule of Use Regulations to Chapter 125, Zoning of the Town Code should be amended to reflect the districts in which short terms rentals are now permitted in the Town. In addition, the Town Board has determined that the maximum number of occupants in a short term rental should be the same prescribed for bed and breakfast establishments in our Code.

SECTION 4. AMENDMENTS:

- A. Section 125-65(A)(11) is hereby amended to provide that “but in no event shall an overnight occupancy for any short term rental shall exceed ten (10) people total”.
- B. Section 125-65(A) is hereby amended to add a new subsection 15 which shall read as follows: “Each sleeping room and any furnished basement shall have a window as a point of egress.”

C. Section 125-66(C) is hereby amended to add the following: “The inspection process may include a pre-inspection and a final inspection. All inspection fees shall be paid by the applicant.”

D. Section 125-63(E) of the Rhinebeck Town Code shall be amended to add the following to that subsection:

“This primary residence requirement shall not, however, be applicable to short terms rentals which are conducted on the following properties:

- (1) Short term rentals on properties within a certified New York State Agricultural District as defined in Article 25 (AA) of the New York State Agriculture and Markets Law on which a farm, as defined in this Code and in Section 301 of the New York State Agriculture and Markets Law, is being operated (commonly known as “farm stays”);
- (2) A property located adjacent to a property owned by the same property owner (“first property”) as long as the first property is occupied by the property owner of both properties as the owner’s primary residence and is owner occupied during the short term rental of the adjacent property, and the residence on the adjacent lot contains no more than 1,000 square feet of total area.”

E. Attachment 2 – Schedule of Use Regulations is hereby amended as follows:

Short Term Rentals shall be added as a use under the category of “General Uses” and shall be listed as a permitted use in all zoning districts subject to the issuance of a short term rental permit issued pursuant to §125-64 of the Code (P**) except for the Rhinecliff Hamlet; Rhinecliff Hamlet Transition; Rhinecliff Business and Rhinecliff Overlay Districts, which shall also require the issuance of a special use permit by the Planning Board (S**). Under special conditions, there shall be a reference to §125-61, et. seq. In addition, “Notes” shall contain the following additional note numbered as Note 10, which shall read as “S** denotes the use which is subject to the issuance of a short term rental permit and a special use permit issued by the Planning Board as set forth Chapter 125, Article 5, §125-61, et. seq.

SECTION 5. SEVERABILITY:

If any provision of this local law is held invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this local law.

SECTION 6. SUPERSESSION

This local law is intended to supersede any provisions of the Town Law, the Town of Rhinebeck Code and the General Municipal Law, which are inconsistent with the provisions of this local law.

SECTION 7. EFFECTIVE DATE.

This local law shall take effect immediately upon its filing in the office of the New York State Department of State.

DRAFT