

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Rhinebeck

FILED
STATE RECORDS

AUG 19 2024

Local Law No. 7 of the year 2024 DEPARTMENT OF STATE

A local law TO AMEND CHAPTER 125, ARTICLE 5
(Insert Title)
" SHORT TERM RENTALS" OF THE TOWN OF RHINEBECK
CODE AND ATTACHMENT 2 – SCHEDULE OF USE REGULATIONS

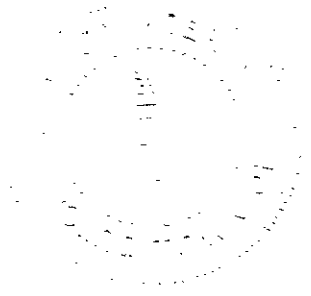
Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Rhinebeck as follows:

SECTION 1. TITLE:
This Local Law shall be known, and may be cited as Local Law No. 7 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.



(If additional space is needed, attach pages the same size as this sheet, and number each.)

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 term 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 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 term 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. SUPERSESION

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.



(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2024 of the ~~(County)(City)(Town)(Village)~~ of Rhinebeck was duly passed by the Town Board on August 12 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 2024, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Jean Winke

Clerk of the county legislative body, ~~City, Town or Village~~ Clerk or officer designated by local legislative body

Date:

August 13, 2024

(Seal)