

RESOLUTION NO. 8C OF 2025
TO ENACT LOCAL LAW #5 OF 2025
A LOCAL LAW AMENDING CHAPTER 164 OF THE TOWN CODE
TO ESTABLISH RULES AND REGULATIONS FOR
SHORT-TERM RENTAL ACCOMMODATIONS

At a meeting of the Town Board of the Town of Stanford ("Town Board"), held at the Town of Stanford Town Hall on the 14th day of August, 2025, at 7:00 p.m., Town Supervisor Wendy Burton called the meeting to order, and she, seconded by Councilperson Theodore Secor, moved the following resolution, to enact the local law, to be known as Local Law No. 5 of 2025, entitled "A Local Law Amending Chapter 164 of the Town Code to Establish Rules and Regulations for Short-Term Rental Accommodations," as follows:

WHEREAS, the following Local Law was introduced as Proposed Local Law No. 5 of 2025, at a meeting of the Town Board held on July 10, 2025; and

WHEREAS, the proposed Local Law, with Part 1 of the Full EAF, was referred to the Dutchess County Department of Planning and Development for an advisory opinion pursuant to New York General Municipal Law §239-m and the Dutchess County Department of Planning and Development provided its response without comment stating it was a "matter of local concern;" and

WHEREAS, a properly noticed public hearing was held before the Town Board during the meeting on August 14, 2025, on this Local Law; and

WHEREAS, the proposed Local Law was referred to the Town of Stanford Planning Board for a report and recommendation pursuant to Section 164-56 of the Stanford Town Code, and the Planning Board provided further comments by email on August 13, 2025; and

WHEREAS, the enactment of this Local Law is a Type I action pursuant to the New York State Environmental Quality Review Act as it involves changes in the allowable uses within multiple zoning districts in the Town, affecting 25 or more acres of land in such districts; and

WHEREAS, by separate resolution, the Town Board issued a Negative Declaration and determined the action will not have any adverse environmental impact;

NOW THEREFORE, BE IT ENACTED by the Town Board of the Town of Stanford as follows:

Section 1. Legislative Intent. Chapter 164 of the Town of Stanford Town Code contains the Town's regulations with respect to Zoning. The Town Board has determined that it is in the best interest of Town to allow short-term rental accommodations as a permitted principal or accessory use in all zoning districts and in compliance with certain requirements which are the subject of this local law, as defined in this local law. The Town Board now wishes to update the Chapter of the Town Code entitled "Zoning" accordingly.

Section 2. Supplementary Use Regulations for Accessory Dwelling Units. A new section "§164-19.6 – Short Term Rental Accommodations," shall be added to the Zoning Law as follows:

§164-19.6 Short Term Rental Accommodations (STR).

Purpose. The purpose of this section is to establish a set of regulations applicable to the short-term rental of residential real property in the Town of Stanford. These regulations are in addition to all other provisions of this Chapter. In the adoption of these standards, the Town Board of the Town of Stanford (the "Town Board") find that short-term rental accommodations have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full-time residents. The Town Board recognizes the benefits of short-term rental accommodations ("STR") to allow homeowners to supplement their income to defray the cost of housing and to provide lodging for visitors to the Town. The Town Board finds that short-term rental accommodations have the potential to have a detrimental effect on affordable housing and economic diversity in the Town, by removing dwelling units from the

long term rental market and driving up demand for the limited remaining housing supply. This can result in fewer available units and increased prices or rents for those units that are available. Special regulation of these short-term rental uses is necessary to ensure that they will be compatible with surrounding residential uses, protect the health, safety and welfare of Town residents and will not act to harm or alter the neighborhoods they are located within.

Presumption of Dwelling Unit as Short-Term Rental Accommodation.

The presence of the following shall create a presumption that all or a part of the property is being used as an STR:

All or part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb and VRBO, for a rental period of less than thirty-one (31) days; or

All or a part of the property is offered for lease for a period of thirty-one (31) days or less through any form of advertising.

The foregoing presumptions may be rebutted by documentary evidence presented to the Building Inspector sufficient to show that the premises is not operated as a STR.

Zoning districts. A Short-Term Rental Accommodation, as defined in §164-59, is permitted as either a principal or accessory use to a single family, duplex, 2 family, multiple dwelling or multi-use residence in all zoning districts in conformance with this section and all other applicable sections of the Zoning Law.

Commercial Nature. An STR shall be considered a commercial enterprise and commercial property and, as such, shall be subject to inspection by the Town as herein provided.

Privilege. The issuance of an STR Permit shall be considered a privilege granted by the Town and not a right of a property owner, and as such, the Town Board may limit the number of STR Permits and such permits may be revoked for non-compliance with the provisions of this Code.

Standards. An STR shall only be allowed subject to an application for an STR Permit issued by the Building Inspector, renewable on a biennial basis, and in compliance with the following standards:
Permit Required. The Town Board may establish by resolution the number of STR units that may be permitted at any time. The initial number of such STR permits shall be limited to a maximum of fifty-five (55) STR units within the Town. Preference shall be given to existing operating applicants who are registered with Dutchess County prior to the effective date of this law. Such applicants already registered with the County prior the effective date of this law shall have ninety (90) days from the effective date of this law to submit their application under the requirements of this section. Further applications will be accepted on a first-come, first serve basis until permits for fifty-five (55) units are issued. Subsequent applications will be placed on a wait list. If and when there are permits for fewer than fifty-five (55) units, the wait list will be utilized starting with the application that has been on the wait list the longest amount of time.

Permit Term and Transferability. Permits shall be issued to the owner of the parcel ("STR Permit Holder") and are not transferrable or assignable. Separate permits shall be issued for each STR unit. A parcel owner may have more than one STR Permit. The term of a Permit shall be two (2) years.

Submission. Supporting documents shall be submitted to the building department in order to determine whether the proposed STR meets the requirements set forth herein, including the location and size of the existing septic system and well, and the structures on the lot, both as they exist and as they would appear with the STR. Parking locations shall be shown.

Application procedure and decision.

Application. An applicant shall submit an application for an STR Permit to the Building Inspector with a checklist attachment and other submissions establishing compliance with all the requirements for an STR.

Fees. A bi-annual fee shall be paid per STR unit for issuance and renewal of the STR Permit, together with any other applicable fees as set forth, from time to time, in the fee schedule established and annually reviewed by the Town Board.

Review Period. The Building Inspector shall within thirty (30) days of receipt of a complete submission determine whether to either issue the STR Permit, with or without conditions, or notify the applicant in writing that the application has been denied stating the reason or reasons for such denial.

Responsible Party. The contact information for the STR Permit Holder and for the responsible representative or management company ("Agent") of the STR Permit Holder, if any, shall be provided to the Town as part of the STR Permit Application at time of submission, and the STR Permit Holder shall update this contact information as needed during the term of the STR Permit to ensure it is accurate and up to date.

Inspection Required. A satisfactory inspection from the Building Inspector is mandatory prior to issuance or renewal of an STR Permit. The Applicant or STR Permit Holder shall arrange for and schedule such inspection directly with the Building Inspector and give reasonable access for inspections to be conducted to ensure compliance with the provisions of the Town of Stanford Code, the NYS Uniform Fire Protection and Building Code

Department of Health Requirements. The premises shall be in full compliance with the standards of the Dutchess County Department of Health.

County and State Laws. The STR Permit Holder shall comply with all applicable requirements of Chapter 264, Article III of the Dutchess County Charter, Code and Ethics (Hotel Occupancy Tax) and Article 12-D of the Real Property Law of the State of New York (Short-Term Residential Units).

Maximum Occupancy. The maximum occupancy for an STR shall be determined by the septic capacity established by the Dutchess Country Department of Health, not to exceed two (2) occupants per bedroom. Maximum occupancy for an STR does not include children under five (5) years of age. In no event shall the number of guests of an STR any given time, including, but not limited to, events such as indoor or outdoor social gatherings or parties, exceed double the permitted occupancy of the STR.

Location of STR. An STR shall be limited to the principal dwelling or an accessory structure on the parcel, provided, however, that an STR may not be located in an Accessory Dwelling Unit (ADU) pursuant to Section 164-19.5 of this Code.

Habitable space. An STR shall not be located in a basement or an attic, except where said space is deemed habitable space as per the New York State Uniform Fire Prevention and Building Code.

Parking. An applicant seeking an STR Permit must demonstrate that there is area available in which to provide adequate off-street parking for the premises. A minimum of one (1) additional space per bedroom shall be provided for the STR, and parking shall be allowed in a location on the lot as required by the Zoning Law.

Display of Permit. A copy of the STR Permit must be prominently displayed within the interior of the STR during the duration of its validity. The availability of the STR to the public shall not be advertised on the premises. The STR Permit Number must be included in any listing.

Guest Compliance with Town Code. All guests of an STR are subject to the provisions of Section 164-15 of the Town Code and of the enforcement of Section 164-48. The STR Permit Holder is responsible for informing each guest of an STR of these provisions. All guests of an STR are required to refrain from any conduct on the property on which the STR exists, which disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance.

Building Code. Nothing in this Section is intended to supersede any of the provisions of the New York State Uniform Fire Prevention and Building Code, as may be amended from time to time. If any of the

provisions herein conflict with the New York State Uniform Fire Prevention and Building Code, the New York State Uniform Fire Prevention and Building Code shall control. An STR shall not be approved or occupied except in compliance with all applicable federal, state and local laws, codes, rules and regulations and the Building Department shall have the right to periodically inspect the premises, upon reasonable notice to the owner, to ensure that all applicable laws and codes are being followed.

Smoke and Carbon Monoxide Detectors. There shall be one working smoke detector in each sleeping room and one additional smoke detector on each floor. Carbon monoxide detectors shall be installed as required by the New York State Uniform Fire Prevention and Building Code.

Fire Extinguisher. There shall be a Class B-C fire extinguisher on each floor and in the kitchen. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the STR Permit Holder to ensure each contains a full charge. A record of the date inspected, initialed by the Permit Holder, shall be maintained and made available to the Building Inspector upon request.

Display of House Number. The house number of the premises shall be displayed both at the road and on the dwelling unit so that the house number of the premises is clearly visible from both road and the driveway.

Electrical System. Electrical systems for the premises shall be in good operating condition, labeled, unobstructed and shall be visible for the Building Inspector during inspections. Any defects found shall be corrected prior to issuance of an STR Permit. A current boiler or furnace service report, including a record of the date inspected, initialed by the Permit Holder, shall be maintained and made available to the Building Inspector upon request.

Insurance Standards. All STR Permit Holders must provide Evidence of Property Hazard Insurance and a Certificate of Liability Insurance indicating the premises is rated for Short-Term Rental Accommodations and maintain such insurance throughout the term of the STR Permit.

Waste Removal. Timely provisions shall be made for garbage removal from the STR during rental periods

Notice Required. A notice shall be prominently displayed within the interior of the STR during the duration of the permit's validity which includes the following:

The contact information for the STR Permit Holder and Agent, if any;

Maximum property occupancy;

Maximum on-site parking provided;

A Good Neighbor Statement stating that STR guests must be considerate of the residents in neighboring homes and are required to refrain from any conduct on the property that disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance.;

All STR guests will be subject to New York Penal Law § 240.20 or any successor statute regarding disorderly conduct;

Littering is illegal

Recreational campfires must be attended at all times, and when burn bans are in effect; and

The following shall not be permitted or operated at the STR:

Discharge of firearms;

Pyrotechnics.

Compliance and Penalties. If the Building Inspector either witnesses or receives a written complaint of an alleged violation of this Section or a violation of the conditions of any STR Permit issued pursuant to this Section, the Building Inspector shall properly record such complaint and immediately investigate the report thereon. If the Building Inspector determines there is a violation of this Section, the owners shall be notified in writing by both first class mail and certified mail, return receipt requested of said violations and the Building Inspector may take any or all of the following actions:

Impose additional conditions to the existing STR Permit.

Require corrective action that remedies the violation(s). The corrective action must be completed and approved within 30 days of Notice from the Building Inspector or the owner risks revocation of the STR Permit.

Suspend the STR Permit. The Notice of Suspension shall be provided to the property owner and a copy filed with the Town Clerk.

Revoke the STR Permit. If an STR Permit is revoked, all owners of the property on which the STR exists shall be prohibited from obtaining an STR Permit on the property for a period of one (1) year after the date of revocation. The Building Inspector shall send Notices of Revocation to the property owners and shall file a copy with the Town Clerk.

Issue a court appearance ticket for violation of a Town law.

Renewal of Permit.

STR Permits will automatically expire after a two (2) year term, but may be renewed prior to expiration for a subsequent two (2) year term by Permit Holders in good standing.

Renewal STR Permits will be granted for an additional 2-year term if the following conditions are met: Application for renewal of the STR Permit shall be made no less than thirty (30), nor more than ninety (90) days prior to expiration of the current STR Permit and be accompanied by the renewal fee.

At the time of application for renewal, the STR Permit Holder must present the previous STR Permit.

The property must undergo a new inspection performed by the Building Inspector pursuant to the requirements of Subsection (7) above.

Any violations must be remedied prior to renewal of an STR Permit.

Grounds for Suspension or Revocation of Permit. The Building Inspector may immediately suspend or revoke an STR Permit based on any of the following grounds:

STR Permit Holder has falsified or failed to provide information in the application for a permit or the application for STR Permit renewal.

STR Permit Holder failed to meet or comply with any of the requirements of this Section.

STR Permit Holder is in violation of any provision of the Code of the Town of Stanford.

Applicant has been found guilty by a court of law of a violation of any provision of the Penal Code of the State of New York, which violation occurred at the premises on which the STR exists, or is related to the occupancy of the STR.

Any conduct on the property on which the STR exists, which disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance.

Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.

Appeals and Hearings. The STR Permit Holder or owner of the premises is entitled to appeal a determination by the Building Inspector to the Zoning Board of Appeals in accordance with Section 164-51.

Existing Short-Term Rental Accommodation Commitments at Effective Date. Notwithstanding the foregoing, those property owners with existing Short-Term Rental Accommodation commitments existing on or before the date this section takes effect shall be permitted to honor such existing commitments. Following the effective date of this section, owners with existing Short Term Rental operations may continue to make new commitments for Short-Term Rental Accommodation, provided that the owner submits a complete application for STR Permit within ninety (90) days of this section's effective date. In the event that a complete application is not submitted within such period or if such application is denied, all such new commitments made by said property owner after the effective date of this section shall be deemed to be in violation of this section and shall be cancelled.

Section 3. District Schedule of Use Regulations. Under §164-8 – District Schedule of Use Regulations, Subsection (E), the use "Short-Term Rental Accommodation in accordance with §164-19.6" shall be added and an entry of "P++" under the following categories: "CR," "AR," "RR," "RC" and "LR."

Additionally, the following provisions shall be added to the section entitled "Notes" at the end of §164-8 (E):

†† Shall be a permitted either as a principal use or as an accessory use to the principal single-family, duplex, 2 family, multiple dwelling, or multi-use residence use in the specified district.

Section 4. Definitions. The following definitions shall be added to §164-59 - Definitions:

"Short-Term Rental Accommodation ('STR') - An entire dwelling unit, or a portion thereof, offered for rent or lease for an occupancy of fewer than thirty-one (31) consecutive days, the rates for which include lodging only, and no other commercial services are offered. The term 'Short-Term Rental Accommodation (STR)' does not include Bed and Breakfast Establishment as regulated by the Town of Stanford Zoning Code. An Accessory Dwelling Unit (ADU) pursuant to Section 164-19.5 of this Code may not be used as an STR.

"Short-Term Rental Accommodation Permit ('STR Permit') - A permit issued to operate a Short-Term Rental Accommodation pursuant to Section 164-19.6(F) of this Code.

"Short-Term Rental Accommodation Permit Holder ('STR Permit Holder') - The owner of the parcel to which a STR Permit was issued pursuant to 164-19.6(F) of this Code.

Section 10. Numbering for Codification. It is the intention of the Town of Stanford Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Stanford; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

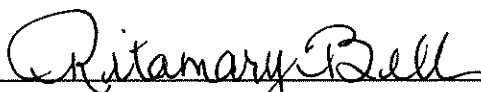
Section 11. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 12. Effective Date. This Local Law shall take effect as of the date of filing with the New York Secretary of State.

The foregoing resolution was voted upon with all Board members voting as follows:

Wendy Burton, Supervisor	<u>Yes</u>
Nathan Lavertue, Councilperson	<u>Absent</u>
Julia Descoteaux, Councilperson	<u>Yes</u>
Eric Haims, Councilperson	<u>Yes</u>
Theodore Secor, Councilperson	<u>Yes</u>

Dated: August 14, 2025
Stanfordville, New York


RITAMARY BELL, TOWN CLERK