

### **§ 230-30 B- Bed-and-Breakfast Establishments and Room Rental Homes**

A bed-and-breakfast establishment may be allowed in an owner-occupied single-family dwelling and a room rental home may be allowed in an owner-occupied single- or two-family dwelling, subject to applicable special permit and site plan approvals and compliance with the following standards:

A. Each bed-and-breakfast establishment or room rental home shall be designed, maintained, and operated to preserve and complement the residential appearance of the site and the existing character of the surrounding area.

B. A registered resident host of the property shall live on the site throughout the visitors' stay and supervise guests so as not to disrupt the neighborhood.

C. The guest rooms shall be limited to the principal dwelling and/or one accessory building. Any guest room in an accessory building shall have sanitary facilities.

D. No guest shall stay for a period more than 30 days.

E. The owner shall collect and preserve registration records for a minimum of three years.

F. The owner or resident host may serve breakfast to guests, but a public dining room, restaurant, bar, or other commercial use is prohibited.

G. Off-street parking shall be located behind the front plane of the principal structure and shall be consistent with the residential character of the site. Parking shall be consistent with § 230-16 and Table J.

H. One identification sign is permitted, not to exceed four square feet in area and five feet in height and shall be otherwise in compliance with §230-20, Signs and supporting structures.

I. The owner shall give reasonable access for inspections to be conducted to ensure compliance with the provisions of this chapter and the New York State Building Code.

### **§ 230-30 A Short-Term Rental**

A. Purpose. The purpose of this section is to establish a set of regulations applicable to non-hosted short-term rentals of residential property. These regulations are in addition to all other provisions of this chapter. In the adoption of these standards the Board of Trustees find that non-hosted short-term rentals 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. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods they are located within.

B. Definition. A non-hosted single-family or two-family dwelling, or an accessory dwelling unit, in which at least one and not more than three bedrooms are for overnight accommodation, the rates for which including lodging only, and in which no public restaurant is maintained, and no other commercial services are offered. A qualifying property must be the owner's primary residence.

C. A short-term rental may be allowed subject to an application for a permit, renewable on an annual basis, and compliance with the following standards:

(1) Permits issued for short-term rentals shall be limited to a maximum of 15 within the Village decided by public lottery on an annual basis. No permit may be allowed for any lot located within two lots from a lot where a current permit has been issued from a public lottery draw. Notice of the application prior to issuance of a permit shall be provided to adjoining property owners within 250 feet of the property on which the permit has been issued.

(2) The property shall be designed, maintained, and operated to preserve and complement the residential appearance of the site and the existing character of the surrounding area. There shall be no change permitted to the residential character of the outside appearance of the building, either using colors, materials, or lighting.

(3) An owner leaving Dutchess County overnight during the rental period must engage the services of agent with the right to enter and maintain possession of the dwelling. This agent must be available 24 hours a day to respond to tenant and neighborhood concerns and be capable of responding within two hours of notification from the Village.

(4) There shall be no more than six occupants as lodgers at any given time, with a maximum of two occupants per bedroom.

(5) The guest bedrooms shall be limited to the principal dwelling and/or one accessory building. Any guest room in an accessory building shall have sanitary facilities within that accessory building approved by the applicable authority.

(6) Short-term rentals are limited to 16 days in any one calendar year and there must be a seven-day period of no rental activity between rentals. A "rental day" shall be deemed to mean any day that the property is occupied for rental overnight.

(7) The owner shall collect and preserve registration records for a minimum of three years and make them available for inspection upon request of the Code Enforcement Officer.

(8) Parking shall be consistent with § 230-16 and Table J(1). Any required additional parking shall not be allowed in front of a principal structure by expanding use of an existing driveway.

(9) A Village-issued registration plaque must be displayed on the front of the dwelling and a copy of the permit must be displayed within the interior during the duration of its validity. Other than the plaque, the availability of the rental to the public shall not be advertised on the premises.

(10) If a property owner advertises their rental, the Village permit number must be included in the listing.

(11) An annual satisfactory inspection from the Code Enforcement Officer is mandatory prior to issuance of a permit. The owner shall give reasonable access for inspections to be conducted to ensure compliance with the provisions of the Village of Millbrook Code, the NYS Uniform Fire Protection and Building Code and Department of Health Code.

(12) All guests are subject to the provisions of §230-14, General performance standards, and of the enforcement provisions of § 230-15. The owner/agent is responsible for informing each guest of these provisions.

(13) A property found not to follow any section of this law will be subject to a monetary fine in accordance with the schedule below, in addition to any and all applicable remedies and penalties found in § 230-14 that do not conflict with this section.

(a) A \$1,000 fine will be assessed for the first offense.

(b) A second violation will result in the revocation of the permit, or if the property is operating without a permit the owner will be prohibited from reapplying for any permit.

(14) At the time of passage of this law, property owners operating a short-term rental in violation of the above-listed standards will be given a ninety-day grace period in which to apply for a permit.