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Village of Tivoli

Local Law No. 1 of 2024

A LOCAL LAW TO ESTABLISH A NEW CHAPTER 180 OF THE CODE OF THE VILLAGE OF TIVOLI TO BE KNOWN AS “SHORT-TERM RENTALS,” AND TO AMEND CHAPTER 231 OF THE CODE OF THE VILLAGE OF TIVOLI, ENTITLED “ZONING,” REGARDING SHORT-TERM RENTALS AND ACCESSORY DWELLING UNITS TO AMEND THE SITE PLAN REGULATIONS REGARDING ACCESSIBILITY, AND MAKE RELATED AMENDMENTS.

Be it enacted by the Board of Trustees of the Village of Tivoli as follows:

SECTION 1. LEGISLATIVE INTENT.

The purpose of this law is to amend the Tivoli Village Code in order to regulate short term rentals and authorize accessory dwelling units in a manner that will support affordable housing. The law establishes new regulations regarding permits for short-term rentals and amends the Village of Tivoli Zoning Law in order to adequately regulate short-term rental uses. The law also amends the Tivoli Zoning Code to authorize accessory dwelling units under circumstances where such use is compatible with existing uses and neighborhood character.

The use of short-term rentals as an alternative to traditional lodging has increased in the nation and in the region in recent years, and many tourists now seek accommodations in short-term rentals via various website platforms. Short-term rentals can offer an alternative means of income for some property owners, but they also have the potential to adversely impact community character by allowing what are effectively lodging uses without permits or approvals and in buildings and in areas where lodging may not be permitted. The presence of short-term rentals can also lead to the reduction of affordable housing supply by removing existing dwelling units from the 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.

This law will authorize certain short-term rental uses as a permitted use in the Village subject to specific conditions and approvals. This law will prohibit short-term rental uses in areas of the Village where they are incompatible with the existing uses and neighborhood characteristics. A

primary resident must remain on the premises throughout the rental period. By limiting the type and location of short-term rentals, and by requiring them to undergo review and receive approval by Village authorities, this law addresses negative impacts associated with these uses and will promote public health, safety, and welfare. Requiring a permit for short-term rentals will discourage unsafe structures from being rented to transient visitors by requiring that they comply with applicable codes and implement certain safety measures.

This law will also authorize accessory dwelling units in certain areas in the Village subject to a special use permit. Accessory dwelling units can provide additional affordable housing opportunities. Accessory dwelling units add capacity, encouraging the use of existing housing as revenue stream and long-term rental

Furthermore, The Village of Tivoli is committed to allowing every individual an equal opportunity to enjoy a full and productive life. This commitment extends to providing accommodations for persons with disabilities. All new buildings or major alterations, and to the greatest extent practicable, historic buildings, will be designed to meet Americans with Disabilities Act (“ADA”) standards, recognizing that historic storefronts with no setbacks and existing steps are sometimes difficult to retrofit for full ADA compliance. This law mandates ADA consideration in site plan review.

The proposed amendments to the Village Code are designed to protect the health, safety, and welfare of the public. The amendments are consistent with the recommendations of the Village's adopted *Comprehensive Plan* and with “Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities” pursuant § 231-79 of the Village Code.

SECTION 2. APPLICATION

This Local Law shall apply within the Village of Tivoli.

SECTION 3. ADOPTION OF NEW CHAPTER 180, ENTITLED, “SHORT-TERM RENTALS.”

§ 3.1. A new chapter 180 is hereby inserted into the Code of the Village of Tivoli to read as follows:

Chapter 180. Short-Term Rentals

§ 180-1. Purpose

The Village of Tivoli Board of Trustees has determined it is in the best interest of the Village and its residents to regulate short-term rentals. The Village Board recognizes the benefits of short-term rentals to allow homeowners to supplement their income to defray the cost of housing and to provide lodging for visitors to the Village. The presence of short-term rentals also can result in a reduction in the affordable housing supply by removing dwelling units from the market and driving up demand for the limited remaining housing. This can result in fewer available units and increased prices or rents for those units. The

Village Board believes that the restrictions and requirements imposed herein further the Village's goals and objectives to advance housing affordability, preserve the residential quality of neighborhoods, and protect the health, safety and welfare of the Village and its residents. This chapter describes procedures and requirements for obtaining a permit for a short-term rental and is intended to operate in conjunction with the regulations of Village of Tivoli Code Chapter 231 entitled "Zoning."

§ 180-2. Definitions

Terms used in this section shall have the meanings given in Chapter 231 of the Code.

§ 180-3. Annual Operating Permit, Application

- A. In accordance with Chapter 231 of the Tivoli Code, unhosted short-term rentals are prohibited in all zoning districts in the Village. This chapter permits issuance of permits for hosted short term rentals.
- B. It shall be unlawful for any person to operate, rent, lease, or advertise for rent a hosted short-term rental within the Village of Tivoli without having obtained an annual operating permit for such purpose in accordance with the provisions of this chapter, and without having obtained requisite planning and zoning approvals under Chapter 231, Zoning, if any. Any applicable planning and zoning approvals must be granted prior to the issuance of an annual operating permit.
- C. Subject to the conditions set forth in this chapter, a property owner may obtain an annual operating permit where such use is permitted in the Zoning District by Chapter 231, subject to the conditions of Chapter 231.
- D. All annual operating permits shall expire on December 31 of the year in which they are issued. Except for an annual operating permit originally issued in the year 2024 which shall expire December 31, 2025.
- E. A property owner may apply for renewal for the following calendar year within three months prior to the expiration date. A property owner desiring to operate a hosted short-term rental shall make a written application for an annual operating permit to the zoning enforcement Officer. The application for an annual operating permit shall be made on forms provided by the Village of Tivoli and shall include the information required by this chapter and at least the following:
 - 1) Name, mailing address, phone number, and email address of all property owners and all primary residents of the property.
 - 2) Physical address and tax map ID number of the short-term rental property and proof of ownership (current deed or latest property tax record).
 - 3) The application shall state whether there are any home occupations (and whether Class 1 or Class 2) or accessory dwelling units located on the property.
 - 4) Floor plan showing all bedrooms in the dwelling and identifying those to be used as a short-term rental, indicating the square footage and ceiling height of

bedroom(s) to be a height of at least seven feet, and indicating location of two means of egress from each bedroom.

- 5) A Sketch map sufficient to show the location of all available off-street parking on the lot.
- 6) Certification that the building in which the short-term rental room(s) are located contains functioning smoke and carbon monoxide detectors as well as a functioning fire extinguisher on each floor, and two means of ingress/egress for each rented bedroom as defined in Chapter 98 of the Village Code.
- 7) A certification in a form acceptable to the Village signed and notarized by the primary resident attesting to the fact that the property is their primary residence and the primary resident will reside on the property during the rental period.
- 8) The application shall be signed by all the property owners.
- 9) Payment of the nonrefundable permit fee in accordance with the fee schedule established and periodically reviewed by resolution of the Village Board of Trustees.

F. In addition to the application and information required pursuant to subdivision C above, an applicant for an annual operating permit shall provide the following documentation along with the application:

- 1) Hotel Occupancy Tax. For any renewal application, evidence of payment of the Hotel Occupancy Tax required by Dutchess County for the prior fiscal year shall be submitted.
- 2) The Building Inspector shall verify that the property described in the application is consistent with the records of the Village and Certificate of Occupancy.
- 3) If the structure to be used as the hosted short-term rental is the subject of a pending building permit or does not have a current certificate of occupancy, the building inspector may require an inspection for compliance with applicable requirements of the NYS Uniform Fire Prevention and Building Code. Alternatively, the inspection may be conducted by a New York State licensed engineer or architect hired by the applicant.
- 4) Proof of payment of the annual fee.

G. Any owner of a parcel in the Village with a short-term rental permit shall not be permitted to obtain a second short-term rental permit.

H. The Village Board shall establish by resolution the maximum number of short-term rental permits that may be issued in any year.

§ 180-4. SHORT-TERM RENTAL Operating Standards and Supplemental Regulations.
The following regulations apply to all short-term rentals.

- A. It shall be unlawful to use, establish, maintain, operate, rent or lease any property as a short-term rental unless the primary resident identified as such in the application is staying at all times at the premises and not an accessory dwelling unit during the rental period.

- B. Hosted short-term rentals shall only be permitted in a one family dwelling.
- C. Only the owner(s) of the property containing a proposed hosted short-term rental may apply for a short-term rental permit.
- D. Hosted short-term rentals may be rented not more than an aggregate of 60 days per calendar year with the exception of the GB and RB where there shall be no limit.
- E. Annual Permit Holders are only permitted to rent up to a maximum of two (2) bedrooms within the dwelling with the exception of the GB and RB where a maximum of four (4) bedrooms may be rented.
- F. At least one (1) bedroom in the dwelling shall be retained for the exclusive use of the primary resident.
- G. Annual operating permits for a short-term rental are specific to the designated owner and property and cannot be transferred to other owners or properties.
- H. An annual operating permit shall not be issued to any owner or for any property with an outstanding notice of violation under the Village of Tivoli Code, nor to any owner or property with a permit that was suspended or revoked and remains uncured, or that was suspended or revoked two or more times during the two-year period preceding the year applied for.
- I. No recreational vehicle, bus, camping or travel trailer, or temporary housing, including but not limited to a tent or treehouse, shall be used as a short-term rental.
- J. If the structure to be used as the short-term rental is the subject of a pending building permit or does not have a current certificate of occupancy, the building inspector may require an inspection for compliance with applicable requirements of the NYS Uniform Fire Prevention and Building Code. Alternatively, the inspection may be conducted by a New York State licensed engineer or architect hired by the applicant.
- K. A maximum of 2 guests are permitted per bedroom (children under 12 years of age shall not count towards this maximum).
- L. The parking spaces required by the Zoning Law must be available for use by the short-term rental tenants.
- M. All short-term rentals shall comply with all applicable provisions of the Village Code.
- N. A hosted short-term rental may not be permitted in addition to a Class 2 Home Occupation on the same parcel.
- O. The owner of a short-term rental shall provide the permit number of the short-term rental, and the name and contact number of the property owner and, if different, the primary

resident(i) in any rental confirmation provided to a prospective occupant; (ii) in a written posting at the premises; (iii) in any advertising or listing, the permit number only. Permit number, date of issue, owner name and, if applicable, primary resident name, are publicly available.

- P. Short-term rental owners shall post a copy of the following in an open and conspicuous place in the rental unit that shall be readily visible to all guests:
- 1) Short-term rental Permit or Registration Number.
 - 2) A copy of the most recent short-term rental information pamphlet issued by the village regarding quiet hours, nuisance gatherings, and other matters determined from time to time by the Village.
 - 3) A safety/egress plan shall be posted in a visible location inside the short-term rental and on the back of each bedroom door offered for rent.
 - 4) A property map (either a survey of the property or a tax map printed from Dutchess County Parcel Access) depicting property boundaries and notice to guests not to trespass on neighbors' property.
 - 5) Information identifying location of easily accessible solid waste and recycling facilities, and pickup date(s).
- Q. Facilities to handle solid waste, including recycling, shall be made available to short-term rental guests and shall be easily accessible, secure and screened from adjacent properties. Failure to adequately provide for and dispose of refuse shall be a violation of this chapter.
- R. Each short-term rental owner shall be required to maintain a record of all short-term rental rentals, which shall be available for inspection by the zoning enforcement officer upon request. The record shall be a true and accurate record of the use of the short-term rental and shall include the dates and total number of days rented, and number of guests. Each owner shall retain such records for a minimum of three (3) years.
- S. Occupancy Taxes. The property owner shall be responsible for payment of the Hotel Occupancy Room Tax to Dutchess County either directly or through Airbnb or other platforms if applicable, and for collecting and remitting all applicable occupancy and sales taxes required by state law and/or County local law. Failure to pay all required taxes shall be a violation of this Chapter. The Village may transmit permit information to Dutchess County for enforcement purposes.
- T. If the short-term room rental is advertised, the short-term rental permit number must be included in the listing.

§ 180-65 Enforcement and Administration

- A. Violations. Any of the following shall constitute a violation of this chapter:
- 1) Failure to comply with any provision of this chapter.
 - 2) Advertising or listing a short-term rental without a valid permit, or without including the permit number on the advertising or listing, or advertising or listing a short-term rental for a greater occupancy than permitted.

- 3) Operation of a short-term rental without a valid permit or for a greater occupancy than permitted.
- 4) Failure to properly display a valid annual operating permit or the required safety/egress plan, waste management plan, copy of the village's short-term rental information pamphlet, and property map when required by Chapter 180.
- 5) Fraud or misrepresentation with respect to any information provided to the Village in connection with the short-term rental application or its operation.
- 6) Violation of Chapter 151, Noise or Chapter 153, Nuisances.
- 7) Activity at the property that creates a public nuisance, or otherwise constitutes a danger to the public health, safety, welfare or morals in violation of § 153 of the Village Code, Nuisances.

B. Suspension or Revocation of a Permit

- 1) A notice of violation may be issued by the Zoning Enforcement Officer or Building Inspector for any violation of Chapter 180. The notice of violation shall describe the violation and require the permit holder to immediately correct the violation or cause the violation to be corrected.
- 2) The notice of violation shall be provided to the permit holder by personal service, by regular mail to the address submitted with the permit application, or by posting at the short-term rental address.
- 3) Failure to correct the violation or cause the violation to be corrected shall be grounds for immediate suspension or revocation of the permit.
- 4) A permit holder shall be entitled to request a hearing on suspension or revocation before the Village Mayor or other hearing officer designated by the Mayor, upon application made to the Village Clerk demonstrating that the permit holder was not in violation of the permit. Any suspension or revocation remains in effect unless modified by the hearing officer. The hearing officer shall hold a hearing to determine whether to reverse the suspension or revocation within 30 days of written request.
- 5) Notwithstanding the above, in the event the zoning enforcement officer determines that the short-term rental is unsafe and presents an immediate hazard to those on the premises, they may immediately suspend an annual operating permit.

C. Enforcement

- 1) The requirements established by this chapter shall be administered and enforced by any law enforcement agency that has jurisdiction in the Village of Tivoli ("police officers"), the Village of Tivoli Zoning Enforcement Officer, Code Enforcement Official/Building Inspector and Village Attorney or his/her designee and such other employees and/or officials authorized by the Village Board.
- 2) In addition to any administrative remedy, pursuant to the provisions of Municipal Home Rule Law, § 10, Subdivision 4(a), and the Criminal Procedure Law, § 150.10, Police Officers, the Zoning Enforcement Officer and Code Enforcement Official/Building Inspector of the Village of Tivoli

are hereby authorized to issue and serve appearance tickets, as defined in the Criminal Procedure Law, returnable in Village Court of the Village of Tivoli, when he or she has reasonable cause to believe a person has violated, in his or her presence, Chapter 180 of the Code of the Village of Tivoli, entitled "Short Term Rentals," and to prosecute the violation in Village Court.

D. Penalties for offenses.

- 1) Violation of any provision or requirement of this chapter or violation of any statement, application, or permit approved under the provisions of this chapter shall be considered an offense punishable by a fine of not more than \$250 and/or imprisonment for not more than six months for a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$250 nor more than \$500 and/or imprisonment for not more than six months; and upon conviction for a third or subsequent time within a period of five years, punishable by a fine of not less than \$500 nor more than \$1,000 and/or imprisonment for a period of not more than six months.
- 2) The owner, agent, or operator of a building, premises or part thereof where such violation has been committed or does exist and any agent, corporation or other person who commits, takes part or assists in such violation shall be individually liable for such an offense. All such penalties shall be collectible by and in the name of the Village. Each and every week that any such violation continues after notification that such violation exists shall constitute a separate chargeable offense. Such initial notice and subsequent notice shall be given in accordance with § 180-6(B) herein.
- 3) Conviction of a violation of this chapter shall constitute and effect an immediate forfeiture of any permit hereunder held by the person so convicted.
- 4) Without limiting any other remedy, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this chapter.

SECTION 4. AMENDMENTS TO ARTICLE II OF THE ZONING LAW, ENTITLED, "TERMINOLOGY"

§ 4.1. Section 231-4 of the Code is hereby amended by the addition deleting the definitions of "Apartment house" and "Bed-and-Breakfast" in their entirety.

§ 4.2. Section 231-4 of the Code is hereby amended by deleting the definition of "Dwelling" in its entirety and substituting in lieu thereof the following new definition of "Dwelling."

DWELLING

A house or other building primarily used for human habitation. A nursing or convalescent home, alternate care facility, hotel, motel, or any other similar facility for transient occupancy shall not be deemed to constitute a dwelling. The following are types of dwellings.:

A. DWELLING UNIT, ACCESSORY (ADU)

A dwelling unit, accessory to a one-family dwelling, which has its own exterior or interior entrance, and which is subordinate to the principal dwelling, shares no kitchen, bath, living or sleeping facilities with the principal dwelling, and is located on the same lot. A maximum of one ADU shall be permitted per lot and may be located either within the principal building or within an accessory structure.

B. DWELLING, ONE-FAMILY

A detached building containing one principal dwelling unit on a single lot, and wherein not more than three roomers and boarders may be sheltered and/or fed for remuneration.

C. DWELLING, TWO-FAMILY

A detached building containing two dwelling units, either side-by-side or stacked, located on a single lot.

D. DWELLING, MULTIFAMILY

A residential building containing three or more dwelling units located on a single lot.

E. DWELLING, ROW OR TOWNHOUSE

One of three or more dwelling units, each having a separate entrance from the outside on the ground floor, the walls of which, on one or two sides, are in common with the walls of adjoining dwellings and are party or lot line walls.

§ 4.3. Section 231-4 of the Code is hereby amended by deleting the definition of "Dwelling unit" in its entirety and substituting in lieu thereof the following new definition of "Dwelling unit"

DWELLING UNIT

A building, or entirely self-contained portion thereof, that provides complete housekeeping facilities, including independent kitchen, sanitary, living, and sleeping facilities, for a single household.

§ 4.4. Section 231-4 of the Code is hereby amended by deleting the definition of "Family" in its entirety and substituting in lieu thereof the following new definition of "Family":

FAMILY

A number of persons living together as a single housekeeping unit.

§ 4.5. Section 231-4 of the Code is hereby amended by the addition of the following new definitions:

ROOMERS OR BOARDERS

Occupants of a dwelling unit who are sheltered or fed for remuneration for thirty (30) or more consecutive days/nights and, who may share kitchen, bath, living, or sleeping facilities.

PRIMARY RESIDENCE

The domicile that a natural person and persons inhabits for the majority of the year.

PRIMARY RESIDENT

A natural person who inhabits and resides in a primary residence.

SHORT-TERM RENTAL (STR)

The accessory use of a dwelling for an occupancy of fewer than 30 consecutive days. The term "short-term rental" does not include hotel or, motel as defined in the Village of Tivoli Zoning Law. There are two types of short-term rentals, as follows:

A. Hosted Short-Term Rental.

A short-term rental of a portion of a one-family dwelling on a one-family dwelling premises where the primary resident is staying in the one family dwelling during the rental period

B. Unhosted Short-Term Rental.

A short-term rental where no primary resident is staying in the dwelling during the rental period.

§ 4.6 Section 231-4 of the Code is hereby amended by deleting the definition of "Building, Accessory Use Of" in its entirety and substituting in lieu thereof the following new definition of "Building, Accessory Use Of":

BUILDING, ACCESSORY USE OF

A use customarily incidental to the use of a principal building not occupying more than 25% of the total above ground-floor area of the principal building thereof and in the case of a dwelling includes a home occupation only to the extent it is a permitted accessory use in the applicable district and in compliance with the provisions of Section 231-31. The 25% area description does not apply to ADU's and Hosted short-term rentals.

§ 4.7. Section 231-4 of the Code is hereby amended by deleting the definition of "Home Occupation" in its entirety and substituting in lieu thereof the following new definition of "Home Occupation":

HOME OCCUPATION

Any limited personal service, professional service, or business use customarily conducted within a dwelling or customary accessory building and carried on by the residents thereof, which is clearly incidental and secondary to the use of the premises for residential purposes and does not alter the residential character thereof, and which use shall be fully consistent with the use limitations stated in § 231-31 of this chapter. The term “home occupation” shall include the provision of day-care services for six or fewer children, as defined by New York State, who are not residents of the dwelling. The term “home occupation” shall not include short-term rentals as defined herein.

§ 4.8. Section 231-4 of the Code is hereby amended by deleting the definition of “Hotel” in its entirety and replacing it with the following new definition of “Hotel.”

HOTEL

One or more structures where overnight accommodation is provided for transient occupancy for compensation and which may also include dining rooms, kitchens, serving rooms, ballrooms and other facilities and services intended primarily for the accommodations of its patrons, including but not limited to a traditional inn or bed and breakfast.

§ 4.9. Section 231-4 of the Code is hereby amended by deleting the definition of “Motel” in its entirety and replacing it with the following new definition of “Motel.”

MOTEL

One or more structures where overnight accommodation is provided for transient occupancy for compensation, containing sleeping rooms with provisions for off-street parking and separate toilet facilities and hot and cold running water for each rental unit.

SECTION 5. AMENDMENTS TO ARTICLE IV OF THE ZONING LAW ENTITLED “USE REGULATIONS”

§ 5.1. Section 231-21 of the Code is hereby amended by replacing the Schedule of Permitted Uses, attached to the existing Code as 231 Attachments 1 - 7, with amended and restated “231 Attachments 1-7, District Schedule of Use Regulations,” annexed hereto as Attachment A.

SECTION 6. AMENDMENT TO ARTICLE V OF THE ZONING LAW, ENTITLED, “SUPPLEMENTARY REGULATIONS”

§ 6.1. Article V (Supplementary Regulations) of Chapter 231 of the Code is hereby amended by inserting a new Section 231-23.1 to read as follows:

§ 231-23.1. Accessory Dwelling Units.

The purpose of this section is to allow accessory dwelling units on properties with one-family dwellings to create more affordable housing opportunities, provide rental income that makes aging in place possible for seniors, allow multi-generational family living, and otherwise help to protect and preserve property values.

ADU's are a special permitted use on one-family dwelling lots within an existing, expanded, or new principal building or within an existing, expanded, or new accessory building in the GB, LC, R15,000, R1A, R2A, R3A, and RB Districts provided that:

- A. The ADU shall be clearly incidental and subordinate to the principal dwelling and shall not change the one family residential character of the neighborhood.
- B. Any accessory dwelling in the LC built before 1950 is exempt from the provisions of § 231-23.1.
- C. A maximum of one ADU shall be permitted per one family lot. The principal dwelling and ADU shall be on a single lot.
- D. The ADU shall have a maximum of two bedrooms.
- E. Any additional exterior entrances which may be created for the ADU shall be located at the side or rear of the structure.
- F. Adequate off-street parking for both the ADU and the principal dwelling shall be provided in accordance with § 231-39D of this chapter.
- G. Stairways leading to any floor or story above the first floor shall be located within the walls of the building wherever practicable. Exterior stairways shall be located on the rear wall in preference to either side wall. In no instance shall a stairway be located on any wall fronting the street.
- H. If the water supply and/or sanitary sewage disposal is from a private source, approval shall be granted by the Dutchess County Department of Health for any required on-site sanitary or water supply system, or, as may be applicable, certification through either the Health Department or a licensed professional engineer retained by the applicant that the existing on-site water supply and sewage disposal facilities are sufficient to accommodate the additional demands of the ADU on the residential premises where such conversion or new construction is proposed.
- I. The gross floor area of the ADU shall not be less than 250 square feet.
- J. An ADU within an existing structure may not exceed 40% of the total gross floor area of the single-family structure or 800 square feet, whichever is more restrictive.
- K. The ADU shall not exceed 800 square feet in gross floor area.

L. An ADU in an existing accessory structure such as a garage or barn shall meet the minimum front yard setback for an accessory building and the minimum side and rear yard setbacks otherwise established for the construction of a principal structure within the zoning district as prescribed in the District Schedule of Area and Bulk Regulations.

ML. If created through new construction or expansion of the primary structure, the lot area may not be less than the minimum land area specified in the District Schedule of Area and Bulk Regulations for a one family dwelling in the applicable zoning district except that for a lot in the R15,000 District where the minimum is 30,000 square feet. For purposes of the Minimum Land Area Per Dwelling (density) calculation, an ADU shall not be considered an additional dwelling.

N. If created through new construction or expansion of existing structures, the ADU shall meet the minimum front yard setback for an accessory building and the minimum side and rear yard setbacks otherwise established for the construction of a principal structure within the zoning district as prescribed in the District Schedule of Area and Bulk Regulations. A detached accessory dwelling unit created by new construction shall appear related to the principal dwelling and resemble a garage, carriage house, barn, or other traditional accessory rural structure.

§ 6.2. Article V (Supplementary Regulations) of Chapter 231 of the Code is hereby amended by amending Section 231-28 to read as follows:

- A. All dwelling units in the Village of Tivoli shall have a minimum area of 500 usable square feet. This provision shall not apply to Accessory Dwelling Units.
- B. Basement occupancy. Any basement area used for sleeping purposes shall have not less than two means of egress, at least one of which shall be a door giving access to an open area whose service is at least eight inches below the level of the basement floor. Each basement room used for living purposes shall have a window area, opening to the outside, equal to not less than one tenth of the floor area of such room

§ 6.3. Section 231-39(D)(1) of the Code is hereby amended by inserting the following new language:

Minimum parking required for residential uses.

Table 1	
Minimum Parking Required for Residential Uses	
Use	Minimum Off-Street Parking Spaces
1-family dwelling with less than 1,350 square feet of floor area in the R-15,000 District	1 space per dwelling unit plus 1 space for ADU
1-family dwelling in all other cases	2 spaces per one family dwelling unit plus 1 space for ADU

2-family dwelling	2 spaces per dwelling unit
Row or townhouse dwelling	1 space per efficiency unit or 1 space per bedroom
Multifamily dwelling	1 space per efficiency unit or 1 space per bedroom

§ 6.4. Article V (Supplementary Regulations) of Chapter 231 of the Code is hereby amended by inserting a new Section 231-41.1 to read as follows:

§ 231-41.1. Short-Term Rentals

Short-term rental uses are subject to the following regulations in addition to all other requirements of the Code.

- A. A hosted short-term rental is allowed only as an accessory use to a one-family dwelling in the zoning district where permitted by § 231-21 of this chapter.
- B. A hosted short-term rental is permitted only for a maximum of two (2) or, in the GB and RB only, four (4) bedrooms, located on a lot with a one family dwelling on a structure or lot which has at least one additional bedroom.
- C. A short-term rental shall only be used for overnight accommodation for transient residential occupancy. Activities other than residential occupancy (such as events, gatherings, luncheons, banquets, parties, weddings, meetings, or similar activities) are not permitted. No restaurant may be operated. Meals served to permitted occupants of the short-term rental as in a typical “bed and breakfast” are permitted.
- D. A short-term rental is not to be permitted in addition to a class 2 home occupation on the same parcel.
- E. No recreational vehicle, bus, camping or travel trailer, or temporary housing, including but not limited to a tent or treehouse, shall be used as a short-term rental. Outdoor storage of recreational vehicles, buses or trailers, including those driven by guests, shall be consistent with all applicable provisions of the Zoning Law, including but not limited to § 231-34 thereof.
- F. The short-term rental shall not exceed the number of bedrooms that are shown in the approved certificate of occupancy or for preexisting occupied structures, the property tax record, or shall otherwise demonstrate compliance with all applicable requirements of the Dutchess County Sanitary Code including issuance of and compliance with any required approval or permit of the Dutchess County Department of Behavioral and Community Health regarding on-site sanitary sewage or water supply facilities.
- G. A short-term rental shall be incidental and secondary to the use of the dwelling unit for residential purposes. It shall be conducted in a manner which does not give the outward

appearance of a business, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their residential premises, and does not alter the residential character of the property or the neighborhood. No alteration to either the exterior or the interior of any principal dwelling shall be made that changes the residential character and appearance of the premises.

- H. All short-term rentals require an annual operating permit from the zoning enforcement officer pursuant to Chapter 180 of the Village Code prior to the commencement of the accessory use.

§ 6.5. Section 231-42G(2)(a) is hereby amended by deleting it in its entirety and replacing it with the following new § 231-42G(2)(a).

- (a) One sign per lot not to exceed two (2) square feet.

§ 6.6. Section 231-42G(2)(d) is hereby amended by deleting it in its entirety and the remaining subsection shall be renumbered sequentially 6.8 Section 231-52.1, Termination of certain uses and/or structures, is hereby amended by inserting a new subsection E to read as follows:

- E. Any existing nonconforming ADU which is not a permitted use or special permitted use under this chapter shall be discontinued not later than two calendar years from the effective date of the adoption of this subsection.

6.7. Article VI (Supplementary Regulations) of Chapter 231 of the Code is hereby amended by amending Paragraph at A Section 231-52.1 entitled "Termination of certain uses and/or structures", such new subsections to read as follows:

- A. Any nonconforming or noncomplying home occupation shall be modified to conform and obtain any necessary approvals or be removed within one year from the effective date of this section.

SECTION 7. AMENDMENTS TO ARTICLE IX OF THE ZONING LAW ENTITLED "SITE PLAN APPROVAL"

§ 7.1. Article IX (Site Plan Approval) of Chapter 231 of the Code is hereby amended by inserting new subsections C at the end of Section 231-63, entitled "Facts to be considered in site plan approval", such new subsections to read as follows:

- C. In reviewing site plan applications for uses that provide public accommodation, including but not limited to retail businesses, cultural facilities, and multifamily dwellings, the Planning Board shall consider whether the proposed project is consistent with the requirements of the Americans with Disabilities Act ("ADA") as implemented by Chapter 11 of the Uniform Code (as defined in Section 98-2 of the Village of Tivoli Code). For uses proposed in existing buildings, the Planning Board shall consider whether there is an opportunity to achieve or improve ADA compliance. Proposals for changes in use, new buildings or alterations that increase, expand or extend gross floor

area or height shall be referred to the Village Engineer and/or Code Enforcement Official for review to ensure that the buildings and their associated sites and facilities meet Uniform Code requirements for accessibility for individuals with disabilities to the maximum extent practicable.

SECTION 8. 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 9. EFFECTIVE DATE

This local law shall take effect 90 days following filing in the office of the Secretary of State of New York as provided by Section 27 of the Municipal Home Rule Law.

ZONING
 231 Attachment I
 Village of Tivoli

Schedule of Permitted Uses
 R-1A District

[Amended 12-21-2016 by L.L. No. 1-2017; 3-18-2020 by L.L. No. 1-2020; 8-14-2024 by L.L. No. 1-2024]

Principal Uses		Special Permitted Uses		Accessory Uses	
Purpose: This district is intended to provide dwelling units in detached, semidetached and attached structures at a medium density reflecting the rural character and physical constraints (i.e., soils, drainage, topography).					
Agriculture		Accessory Dwelling Unit, subject to the provisions of § 231-23.1		Accessory use of buildings, as defined herein	
		Alternate care housing, subject to the provisions of § 231-23			
Dwelling, 1-family		Bus passenger shelter, for which the Planning Board may waive the provisions of § 231-22		Accessory buildings and structures customarily associated with the permitted principal use	
Municipal use		Carnival, circus or fair, subject to the provisions of § 231-30		Home occupation, Class 1, subject to the provisions of § 231-31	
Parks, public and private		Clinic, dental		Hosted Short Term Rental subject to the provisions § 231-4.1.1	
Playgrounds		Clinic, medical		In the principal dwelling, the keeping of not more than 3 roomers and boarders	
		Demolition, subject to the provisions of § 231-26		Outdoor storage of a maximum of 1 small trailer as defined in § 231-4 and subject to the provisions of § 231-34	
		Dwellings, multifamily row house or townhouse, subject to the provisions of §§ 231-28 and 231-38		Off-street parking and loading as required by § 231-39	
		Home occupation, Class 2, subject to the provisions of § 231-31		Signs, as permitted by § 231-42	
		Hospital, animal or veterinary clinic			
		Kenne, on a site not less than 10 acres		Temporary structures, as permitted by § 231-17	
		Mobile home park, on a site not less than 10 acres conforming to the provisions of § 231-36			
		Nursing or convalescent home			
		Nursery school			

ZONING

231 Attachment 1

Village of Tivoli

Schedule of Permitted Uses

R-1A District

[Amended 12-21-2016 by L.L. No. 1-2017; 3-18-2020 by L.L. No. 1-2020; 8-14-2024 by L.L. No. 1-2024]

	Place of worship	
	Riding academy	
	Schools, elementary or secondary	
	Stables, private and public	

ZONING

231 Attachment 2

Village of Tivoli

Schedule of Permitted Uses R-2A District

[Amended 9-19-2012 by L.L. No. 3-2012; 12-21-2016 by L.L. No. 1-2017; 3-18-2020 by L.L. No. 1-2020; 8-14-2024 by L.L. No. 1-2024]

Purpose: This district is intended to provide dwelling units in detached structures at a low density. All development should be sensitive to the physical character and natural constraints of these locations.	
Principal Uses	Special Permitted Uses
	Accessory Dwelling Unit, subject to the provisions of § 231-23.1
Agriculture	Alternate care housing, subject to the provisions of § 231-23
Dwelling, 1-family	Bus passenger shelter, for which the Planning Board may waive the provisions of § 231-22
Farm	Carnival, circus or fair, subject to the provisions of § 231-30
Farmhouse	Clinic, dental
Municipal use	Clinic, medical
Parks, public and private	Conference center
Playgrounds	Demolition, subject to the provisions of § 231-26
	Home occupation, Class 2, subject to the provisions of § 231-31
	Hospital, animal or veterinary clinic
	Kennel, on a site not less than 10 acres
	Mobile home park, on a site not less than 10 acres conforming to the provisions of § 231-36
	Nursery school
	Nursing or convalescent home
	Place of worship
	Riding academy
	Accessory Uses
	Accessory use of buildings, as defined herein
	Accessory buildings and structures customarily associated with the permitted principal use
	Home occupation, Class 1, subject to the provisions of § 231-31
	Hosted Short Term Rental subject to the provisions § 231-41.1
	In the principal dwelling or farmhouse, the keeping of not more than 3 roomers and boarders
	Outdoor storage of a maximum of 2 small trailers as defined in § 231-4 and subject to the provisions of § 231-34
	On a farm, open storage of machinery or vehicles associated with farming operations. This, however, shall not be construed to permit the establishment of a junkyard as defined herein.
	Off-street parking and loading as required by § 231-39
	Roadside stand, not more than 1 per farm, subject to the provisions of § 231-40.1

ZONING

231 Attachment 2

Village of Tivoli

Schedule of Permitted Uses R-2A District

[Amended 9-19-2012 by L.L. No. 3-2012; 12-21-2016 by L.L. No. 1-2017; 3-18-2020 by L.L. No. 1-2020; 8-14-2024 by L.L. No. 1-2024]

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ZONING
231 Attachment 3
Village of Tivoli

Schedule of Permitted Uses
R-3A District

[Amended 9-19-2012 by L.L. No. 3-2012; 12-21-2016 by L.L. No. 1-2017; 3-18-2020 by L.L. No. 1-2020; 8-14-2024 by L.L. No. 1-2024]

Purpose: This district is intended to provide dwelling units in detached structures at a low density. All development should be sensitive to the physical character and natural constraints of these locations.	
Principal Uses	Accessory Uses
	Special Permitted Uses
	Accessory Dwelling Unit, subject to the provisions of § 231-23.1
Agriculture	Alternate care housing, subject to the provisions of § 231-23
Dwelling, 1-family	Bus passenger shelter, for which the Planning Board may waive the provisions of § 231-22
Farm	Carnival, circus or fair, subject to the provisions of § 231-30
Farmhouse	Clinic, dental
Municipal use	Clinic, medical
Parks, public and private	Conference center
Playgrounds	Demolition, subject to the provisions of § 231-26
	Home occupation, Class 2, subject to the provisions of § 231-31
	Hospital, animal or veterinary clinic
	Kennel, on a site not less than 10 acres
	Nursing or convalescent home
	Nursery school
	Place of worship
	Riding academy
	School, elementary and secondary
	Stables, private and public
	Temporary structures as permitted by § 231-17
	Roadside stand, not more than 1 per farm, subject to the provisions of § 231-40.1
	Outdoor storage of a maximum of 2 small trailers as defined in § 231-4 and subject to the provisions of § 231-34
	On a farm, open storage of machinery or vehicles associated with farming operations. This, however, shall not be construed to permit the establishment of a junkyard as defined herein.
	Off-street parking and loading as required by § 231-39
	Signs as permitted by § 231-42
	Home occupation, Class 1, subject to the provisions of § 231-31
	Hosted Short Term Rental subject to the provisions of § 231-41.1
	In the principal dwelling or farmhouse, the keeping of not more than 3 roomers and boarders

ZONING

231 Attachment 5

Village of Tivoli

Schedule of Permitted Uses

RB District

[Amended 12-21-2016 by L.L. No. 1-2017; 3-18-2020 by L.L. No. 1-2020; 8-14-2024 by L.L. No. 1-2024]

Principal Uses	Special Permitted Uses	Accessory Uses
Agriculture	Accessory Dwelling Unit, subject to the provisions of § 231-23.1	
Commercial nursery	Artist or craft workshop	Accessory buildings and structures customarily associated with the principal permitted use
Dwellings 1- and 2-family	Clinic, dental and medical	Home occupation, Class 1, subject to the provisions of § 231-31
Dwelling unit secondary to nonresidential use and not occupying any ground floor area	Daycare facility	Hosted Short Term Rental subject to the provisions § 231-41.1
Municipal use	Delicatessen	Off-street parking and loading as required by § 231-39
Roadside stand, subject to the provisions of § 231-40.1	Equipment sales and rental	Outdoor storage of a maximum of two small trailers as defined in § 231-4 and subject to the provisions of § 231-34
	Farmers' market, subject to the provisions of § 231-30.1	Roadside stand, subject to the provisions of § 231-40.1
	Furniture store	Signs, as permitted by § 231-42
	Home occupation, Class 2, subject to the provisions of § 231-31	Temporary structures as permitted by § 231-17
	Motel, subject to the provisions of § 231-37	
	Motor vehicle service facility	
	Place of worship	
	Personal service establishment	
	Restaurant	
	Salesroom of a builder or contractor	
	Vending cart, subject to the provisions of § 231-30.2	

ZONING

231 Attachment 5

Village of Tivoli

Schedule of Permitted Uses

RB District

[Amended 12-21-2016 by L.L. No. 1-2017; 3-18-2020 by L.L. No. 1-2020; 8-14-2024 by L.L. No. 1-2024]

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NOTES:

^(a) All uses except agriculture and one-family dwellings in the RB District require site plan approval in accordance with Article IX.

ZONING

231 Attachment 6

Village of Tivoli

Schedule of Permitted Uses

GB District^(a)

[Amended 11-17-2010 by L.L. No. 1-2010; 9-19-2012 by L.L. No. 3-2012; 12-21-2016 by L.L. No. 1-2017; 3-18-2020 by L.L. No. 1-2020; 8-14-2024 by L.L. No. 1-2024]

Principal Uses ^(b)	Special Permitted Uses ^(b)	Accessory Uses ^(b)
Purpose: The designation of this district is intended to maintain the Village character, to encourage adaptive reuse and preservation of existing buildings, and to encourage pedestrian traffic attracted to retail and service uses on a smaller scale than those in the RB District.		
Amusement and recreation services	Accessory Dwelling Unit, subject to the provisions of § 231-23.1	Accessory buildings and structures customarily associated with the principal permitted use
Artist or craft workshop	Clubhouse	Home occupation, Class 1, subject to the provisions of § 231-31
Bakery	Cultural facility, subject to the provisions of § 231-25.1	Hosted Short Term Rental subject to the provisions § 231-41.1
Bank	Demolition, subject to the provisions of § 231-26	Off-street parking and loading as required by § 231-39
Bar or tavern	Dry-cleaning establishment	
Clinic, dental or medical	Internet sales business	Outdoor storage of a maximum of 1 small trailer as defined in § 231-4 and subject to the provisions of § 231-34
Delicatessen	Light industry	Signs as permitted by § 231-42
Dwelling units not occupying any ground floor area	Vending cart, subject to the provisions of § 231-30.2	Temporary structures as permitted by § 231-17
Farmers' market		
Furniture store		
Hotel		
Internet sales business		
Library		
Municipal use		
1-family dwelling in a building in existence as of the effective date of this provision		
Office		
Personal service establishment		
Restaurant		
Retail business		
Salesroom of a builder or contractor		
Theater		

ZONING

231 Attachment 6

Village of Tivoli

Schedule of Permitted Uses

***Requires Special Permit**

NOTE:

- (a) All uses except one-family dwellings in the GB District require site plan approval in accordance with Article IX.
- (b) Drive-in or drive-through businesses of any kind are prohibited in the GB District.

ZONING

231 Attachment 7

Village of Tivoli

Schedule of Permitted Uses
LC District

[Amended 12-21-2016 by L.L. No. 1-2017; 3-18-2020 by L.L. No. 1-2020; 8-14-2024 by L.L. No. 1-2024]

Purpose: The purpose of this district is to protect the character, both historic and environmental, of the Village and the Hudson River and Stony Creek shorelines. This shall include the protection of persons and property, the preservation of water quality and the minimizing of costs associated with relief insurance and flood-control projects. All uses in an LC District are subject to the provisions of § 231-33.

Principal Uses	Special Permitted Uses	Accessory Uses
Municipal use	Accessory Dwelling Unit, subject to the provisions of § 231-23.1B*	Accessory buildings and structures customarily associated with the special permitted use
	Agriculture	Off-street parking and loading as required by § 231-39
	Game preserve	Signs as permitted by § 231-42
	Outdoor recreation uses	Temporary structures as permitted by § 231-17
	Parks, public and private	
	Playground	
	Wildlife preserve	

*Accessory Dwelling Units require a preexisting single-family home and preexisting accessory building pursuant to § 231-23.1.