

Article I. Zoning Law Scope and Purposes

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A. Title.

This Local Law shall be known and may be cited as “The Zoning Law of the Town of Rhinebeck, Dutchess County, New York,” adopted as Local Law No. 6 of 2009, or as it is referred to herein simply as the “Zoning Law.” [\[Back\]](#)

B. Scope.

This Zoning Law regulates the location, construction, alteration, and use of buildings and structures and the development and use of land within the unincorporated portion of the Town of Rhinebeck and for said purposes divides the Town into the Zoning Districts enumerated in Article II. [\[Back\]](#)

C. Purposes.

This Zoning Law is adopted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, and Articles 2 and 3 of the Municipal Home Rule Law, to protect and promote public health, safety, comfort, convenience, economy, aesthetics and general welfare and for the following additional purposes:

1. To guide development of the Town in accordance with the Town of Rhinebeck Comprehensive Plan, so that the Town may realize its potential as a place to live and to work, with the most beneficial and convenient relationships among the residential, commercial and mixed-use areas within the Town and with due consideration to:
 - a. The character of the district and its suitability for particular uses, and
 - b. The existing conditions and trends in population, economic value of buildings and neighborhoods, and
 - c. The limitations imposed upon development by natural and cultural resources, and
 - d. The historical patterns of more compact development in the Village and hamlets surrounded by rural, scenic and natural lands, historical features and historic roads.

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2. To recognize and continue the rural development patterns that occurred in the Town before the advent of Zoning by discouraging the development of greenfield sites, encouraging development and redevelopment of infill sites and allowing flexibility in the design of new development and ownership of open space.
3. To protect and manage the rural, scenic, natural and historic character of the town.
4. To preserve the integrity, stability and beauty of the community and the value of the land.
5. To enhance the appearance of the Town as a whole, by ensuring that all development shall be orderly and beneficial to the Town, by eliminating inappropriate and poor quality design in the provision of site improvements and in the exterior appearance of structures, and by controlling the erection and maintenance of signs throughout the Town.
6. To protect residential areas and to provide privacy for families by the protection of such areas from, among other factors, the visual and noisome intrusion of non-conforming uses. Wherever reasonable and appropriate, non-conforming uses should be brought into compliance with the Zoning Law to the extent permitted by law.
7. To facilitate the provision of transportation, water supply, sewage disposal, school, park and other public facilities and services as needed by the community.
8. To protect the character of specifically identified scenic and historic resources and sensitive environmental areas, including wetlands, floodplains and other water bodies, prime agricultural soils, and steeply sloped areas.
9. To facilitate the provision of affordable housing and a variety of housing choices for Rhinebeck's first time homebuyers, seniors and work force, including retailers, laborers, school, hospital/health care, fire and law enforcement personnel and office workers, among others, and take into account the requirements of special, diverse populations when addressing housing needs of the community.
10. To assure that the capital plans of all local, County and State agencies within the Town of Rhinebeck are in compliance with the Town of Rhinebeck *Comprehensive Plan*.
11. To promote and support implementation of the Dutchess County Master Plan "*Directions*," the Greenway Compact program and guidelines known as *Greenway Connections*, the State designated Scenic District's *Mid-Hudson Historic Shorelands Scenic District Management Plan*, the *Hudson Valley Scenic Roads Program* including the *Scenic Roads Handbook*, the Town of Rhinebeck *Local Waterfront Revitalization Program* including guidance from the Department of State's *Scenic Areas of Statewide Significance* publication and other plans adopted by the Town of Rhinebeck.
12. To preserve all designated historic districts, buildings, sites and features for the enjoyment of present and future generations.
13. To achieve social, economic and cultural diversity within the community and to prevent the establishment of any "gated" residential development that is not fully integrated with the community.
14. To preserve the history and integrity of the hamlet of Rhinecliff and ensure that its strong civic and cultural life is maintained.

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15. To preserve and protect the Hudson River and its shorelands, and provide and protect visual and physical access to them.
16. To conserve lands suitable and necessary for agriculture and forestry.
17. To perpetuate the pattern of mixed uses and higher densities in the village of Rhinebeck and the hamlet of Rhinecliff, surrounded by low-density rural uses.
18. To preserve and protect open space and viewsheds, agricultural and forested lands and gateways, as Rhinebeck's housing stock is moderately expanded.
19. To ensure that all new development is pedestrian-friendly.
20. To plan all residential development to be appropriately in keeping with Rhinebeck's unique, small-town character and its historic and architectural heritage.
21. To conserve lands suitable and necessary for surface and groundwater re-charge, biodiversity and wildlife habitat.
22. To promote the viability of existing, locally owned businesses in Rhinebeck, and preserve and protect the Village commercial center as a lively and active one.
23. To encourage new businesses in the Town that are built to human scale; provide employment for residents; and offer goods and services geared to their needs.
24. To retrofit existing, non-conforming commercial development over time, in order to respect Rhinebeck's small-town character and architectural heritage.
25. To encourage tourism in Rhinebeck at a scale that respects the Town's historic and rural character, making visitors feel welcome while respecting the primary needs of residents.
26. To continually explore opportunities for inter-municipal cooperation with Rhinebeck Village for such community services as police, fire, roads, sewage disposal, refuse and water supply.
27. To ensure that such elements of infrastructure as water supply, sewer and roads are built and maintained to be consistent with community ideals and values, as expressed in the Town *Comprehensive Plan*.
28. To work cooperatively to ensure that schools, libraries and other educational and cultural facilities and organizations are supported at the highest levels.
29. To maintain and enhance Rhinebeck as a center for diverse and inclusive recreational, civic and cultural activities.
30. To collaborate with public and private entities and work regionally with other communities to preserve the unique characteristics and special features of the Town. [\[Back\]](#)

D. Greenway Compact Program and Guides.

The Town of Rhinebeck is a member of Dutchess County's Greenway Compact Program and has adopted *Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities*, as amended from time to time, as a statement of land use policies, principles, and guides to supplement other established land use policies in the Town. The Town of Rhinebeck Zoning Law has been designed to be consistent with *Greenway Connections* and the Greenway Compact Program. All Town agencies shall include the provisions of the Greenway Compact Program in their review of

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actions under the State Environmental Quality Review Act (SEQR) and the State Historic Preservation Act. New York State agencies must, to the fullest extent practicable, coordinate their activities with the Town of Rhinebeck and conduct their activities in a manner consistent with the Greenway Compact Program. In its discretionary actions under this Zoning Law, the reviewing agency should take into consideration said statement of policies, principles and guides, as appropriate and when in harmony with the Town *Comprehensive Plan*. [\[Back\]](#)

E. Local Waterfront Revitalization Program.

The Town of Rhinebeck has adopted a Local Waterfront Revitalization Program (LWRP). The LWRP has been incorporated into the New York State Department of State's Coastal Management Program, with concurrence of this incorporation by the federal Office of Ocean and Coastal Resource Management (OCRM). In accordance with the LWRP, the Supervisor of the Town of Rhinebeck and the Town Board will be responsible for overall management and coordination of the LWRP. Each Town agency will be responsible for determining whether its actions are consistent with the LWRP. A Waterfront Advisory Committee (WAC), as presently constituted pursuant to Town Code Chapter 118 in its entirety of all appointed members of the Town's Conservation Advisory Council, has been and will continue to be appointed by the Town Board to make recommendations to the Town Supervisor, the Town Board and other responsible Town agencies involved in the financing, permitting or approval of projects within the Local Waterfront Revitalization Area (LWRA) concerning consistency of actions with the Coastal Policies. Actions within the LWRA include the demolition of historic buildings, which are addressed in Article V, Section BB of this Zoning Law.

Whenever a proposed action is located within the LWRA, the local agency under whose jurisdiction that action falls shall, prior to approving or permitting, funding or undertaking the action, seek the advice of the WAC. The WAC's advice shall be presented in writing and include, along with its consistency recommendation, any suggestions for modifications the referring official or agency might consider that would make the proposed action more consistent with the LWRP or help advance the LWRP policies and standards.

Upon receipt of the WAC's report, the local agency with jurisdiction to approve or permit, fund or undertake the proposed action will consider the recommendations of the WAC and make its own determination as to whether the proposed action is consistent to the maximum extent practicable with the LWRP or, absent such a finding, either recommend or impose, as pertinent, modifications that would have to be incorporated in the proposed action to merit a determination of consistency with the LWRP.

If the agency determines that the action would cause a substantial hindrance to the achievement of LWRP policy standards and conditions, such action shall not be undertaken unless the agency determines with respect to the proposed action that:

1. No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;
2. The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions to the maximum extent practicable; and

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3. The action will result in an overriding Town, regional or State-wide public benefit. Such a finding shall constitute a determination that the action is consistent to the maximum extent practicable.

Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Waterfront Advisory Committee. Such files shall be made available for public inspection upon request. [\[Back\]](#)

F. How To Use This Zoning Law.

This Zoning Law divides Rhinebeck into Zoning districts and establishes rules for the use of land in each district. Article II describes the districts and illustrates their location on the Zoning Districts maps. Other information in this Zoning Law can be found as follows:

1. Refer to the Use Table in Article III, Use Regulations, to determine the uses that are allowed in each district. The definitions found in Article XIII explain what many of the different use categories mean. The Table of Bulk Requirements in Article IV contains density requirements, setback, and other building and lot dimension standards relating to the development of lots.
2. Articles V, VI, and VII contain regulations that apply to specific types of uses and structures, and the procedures used to apply for and obtain Subdivision, Site Plan and Special Use Permit approvals from the Town Planning Board. Article V also contains the energy efficiency and sustainable building practices required for building construction in the Town.
3. Article V, Section I contains special conservation requirements and standards that apply to subdivision and other development in the Town. These requirements are in addition to the Town's Land Subdivision Regulations (See Chapter 101).
4. Article VIII contains special form based standards and guidelines that apply to the Village Gateway (VG) District, the Community Business - South (CB-S) District, and for the Town's Transfer of Development Rights Program. Development within such districts and program is guided by the form based design standards and guidelines in this Article.
5. Article IX applies to Non-conforming Uses, Structures and Bulk. Article X stipulates the procedures for applying for building permits and certificates of occupancy, and the responsibilities of the Town's Code and Zoning Enforcement Officers. Article XI describes how to apply for variances from the Zoning Board of Appeals and the consequences of not complying with this Zoning Law. Article XII explains the procedures required for Amendments to this Zoning Law including establishment of an Active Senior Housing Floating District.
6. Article XIII provides definitions for important terms used in the Zoning Law. Readers should consult the definitions section to obtain a complete understanding of the Zoning Law.
7. Article XIV outlines the requirements for the reimbursement of professional consultant fees in the review of applications before the Town Board, Planning Board, and Zoning Board of Appeals. An escrow account shall be established for such purposes.
8. Appendix A contains complementary *Design Standards* adopted by the Town Board and considered an integral part of this Zoning Law. The *Design Standards* are used in conjunction with Article VII to help applicants understand what is intended by the criteria for site design,

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building design, landscape design and lighting design. Their purpose is to clarify what is intended, thereby simplifying and speeding the Site Plan approval process.

9. Appendix B contains a copy of the Town of Rhinebeck's 1987 Flood Damage Prevention Local Law.
10. Appendix C contains two maps that identify the boundaries/locations for the various designations in Rhinebeck that have been made by the Town and other agencies such as the State designated *Mid-Hudson Historic Shorelands Scenic District*, State designated *Hudson Valley Scenic Roads*, locally designated scenic roads, the Town adopted and State and Federal government approved *Local Waterfront Revitalization Program* boundary, the *Hudson River National Historic Landmark District*, other *National Register of Historic Places* districts and sites, and locally designated historic sites. [\[Back\]](#)

G. Jurisdiction.

These regulations govern the use, development, and protection of all land and structures within the unincorporated areas of the Town of Rhinebeck, New York, said territory being indicated on the Zoning Maps on file at the Rhinebeck Town Hall. These maps and their boundaries shall be incorporated and made part of this Zoning Law and copies can be found in a reduced scale at the end of Article II herein. [\[Back\]](#)

H. Severability.

If any Article or specific part or provision or standard of this Zoning Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Zoning Law or the application thereof to other persons or circumstances and the Town Board hereby declares that it would have enacted this Zoning Law or the remainder thereof had the invalidity of such provision or application thereof been apparent. If any zoning district boundary that may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect. [\[Back\]](#)

I. Supersession of Inconsistent Laws, if any.

The Town Board hereby declares its legislative intent to supercede any provision of any local law, rule, or regulation or provision of the Town Law inconsistent with this Zoning Law. The Town Law provisions intended to be superceded include all of Article 16 of Town Law, §§ 261 to 285 inclusive and any other provision of law that the Town may supercede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and apply it in the event the Town has failed to specify any provision of law that may require supersession. The Town Board hereby declares that it would have enacted this Zoning Law and superceded such inconsistent provision had it been apparent. [\[Back\]](#)

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J. Interpretation, Conflict with Other Laws.

In their interpretation and application, the provisions of this Zoning Law shall be held to be minimum requirements adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Zoning Law are inconsistent with the requirement of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions, or those imposing the higher standards, shall govern. [\[Back\]](#)

K. Effect of Existing Violations.

No Subdivision, Site Plan or Special Use Permit shall be approved, no Building Permit, Certificate of Use, or Certificate of Occupancy issued, or variance granted under this Zoning Law for any premises upon which there is an existing violation of this Zoning Law or any related Town, County or State regulation governing either building construction, development or the use of land, buildings and structures within the Town of Rhinebeck. This limitation does not, however, prohibit such an approval, issuance, or grant with respect to a legal non-conforming use or legal non-conforming structure. [\[Back\]](#)

L. Periodic Review Required.

From time to time, at intervals of not more than five (5) years, the Planning Board shall conduct a review of the effectiveness of the provisions of this Zoning Law, including the locations of zoning district boundaries, and shall submit a report thereon to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of the public health, safety, convenience, necessity or welfare. [\[Back\]](#)

M. Effective Date.

This Zoning Law shall become effective immediately upon its filing in the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, specifically Article 27 of the Municipal Home Rule Law. [\[Back\]](#)