

## Article XII. Amendments

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This Zoning Law, or any part thereof, including the Zoning District Map indicating the various district boundaries, may from time to time be amended, supplemented, changed, modified or repealed by the Town Board by Local Law pursuant to the provisions of Article 3 of the Municipal Home Rule Law.

### A. Initiation.

An amendment to this Zoning Law may be initiated in one of four ways:

1. By the Town Board upon its own motion.
2. By resolution of the Planning Board, filed with the Town Clerk, wherein certain changes to, or repeal of certain provisions of, this Zoning Law are recommended.
3. By petition duly signed and acknowledged from the owners of fifty percent (50%) or more of the frontage in any zoning district or part thereof requesting an amendment, supplement or change in the regulations prescribed for such zoning district or part hereof, in regulations prescribed for such district or part thereof.
4. By application for a Floating District Approval. [\[Back\]](#)

### B. Legislative Act.

Consideration of an amendment to this Zoning Law will be deemed to be a legislative act. Nothing herein shall require the Town Board to accept for consideration or adoption any application or petition for amendment, any amendment recommended by the Planning Board, or by petition or by application for a Zoning District Map amendment, including a Floating District. The determination by the Town Board to consider, enact or deny the proposed amendment shall be deemed to be a legislative act within the sole discretion of the Town Board and such determination shall be made with due regard to New York State Town Law's requirement that all land use controls shall be in accordance with the Town of Rhinebeck *Comprehensive Plan*. [\[Back\]](#)

### C. Report of the Planning Board.

In the event the Town Board determines to process the application for an amendment initiated on its own motion, by petition or by application, the proposed amendment shall be referred to the Planning Board for a report and recommendation thereon. In undertaking such review, the Planning Board shall make inquiry and provide recommendation concerning the matters specified below:

1. Whether such change is consistent with the purposes embodied in this Zoning Law as applied to the particular zoning districts concerned.
2. Which areas and establishments in the Town will be directly affected by such change and in

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what way will they be affected.

3. Whether adequate public school facilities, other public services and other support facilities exist or can be created to serve the needs of any additional development that may occur as a result of such change.
4. The indirect implications of such change in its effect on other regulations.
5. Whether such proposed amendment is consistent with the underlying objectives of this Zoning Law.
6. Whether such proposed amendment is consistent with and furthers the goals and objectives of the Town of Rhinebeck *Comprehensive Plan*.
7. Whether the use(s) permitted by the proposed change would be appropriate in the area concerned.
8. Whether the proposed change is in accord with any existing or proposed plans in the vicinity.
9. The effect of the proposed amendment upon the growth of the Town as envisaged by the Town of Rhinebeck *Comprehensive Plan*.
10. Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Town and the probable effect thereof.

The Planning Board shall submit its report within sixty (60) calendar days after receiving such referral from the Town Board. Failure of the Planning Board to report within the required time period shall be deemed to be a recommendation of approval of the proposed amendment.

In the event the application for an amendment is initiated by the Planning Board, the Planning Board shall include in its Resolution, its report and recommendation in accordance with the provisions of this Article. [\[Back\]](#)

### D. Town Board Procedure.

1. **Public Notice and Hearing.** The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows:
  - a. By publishing a notice at least ten (10) calendar days prior to the time of such hearing in the official newspaper of the Town, specifying:
    - i. The nature of the proposed amendment;
    - ii. The specific land or land use district affected; and
    - iii. The date, time and place where the public hearing shall occur.
  - b. By providing a copy of such notice of any proposed change or amendment affecting property within five hundred (500) feet of any other municipality personally or by mail to the Clerk of such municipality at least ten (10) calendar days prior to the date of such public hearing.
  - c. By providing a copy of such notice of any proposed change or amendment affecting property within five hundred (500) feet of the boundary of a county personally or by mail

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to the Clerk of the Board of Supervisors or clerk or secretary of the County Executive or other person performing like duties at least ten (10) calendar days prior to the date of such public hearing.

2. **Required Referral.** The Town Board shall transmit a full statement of any proposed amendment, (whether a map amendment or a text amendment) that meets the referral requirements of Sections 239 (l) and 239 (m) of the General Municipal Law, to the Dutchess County Department of Planning and Development for its review and recommendation. No action shall be taken by the Town Board on such proposed amendment until a recommendation has been received from the Dutchess County Department of Planning and Development or thirty (30) calendar days have elapsed since said Department received such full statement. In the event that the Dutchess County Department of Planning and Development recommends modification thereof within such time period or at a later date prior to final action by the Town Board, the Town Board shall not act contrary to such recommendation except by the vote of a majority plus one (1) of all the members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within thirty (30) calendar days after such final action, the Town Board shall file a report of the final action it has taken with the County Department of Planning and Development.
3. **Compliance with SEQR.** The Town Board, in its consideration of the amendment to the Zoning Law, shall be required to comply with the provisions of SEQR prior to adoption.
4. **Town Board Action.** The Town Board may approve any such proposed amendment by a majority vote of said Board, except that a favorable vote of at least four (4) members of the Town Board, i.e. a majority plus one, shall be required if:
  - a. Action being taken is contrary to the advisory recommendation received from the Dutchess County Department of Planning and Development under the provisions of Section 239(l) or (m) of the General Municipal Law; or
  - b. The provisions of Section 265(1) of the Town Law regarding written protests to proposed map or text amendments to the Zoning Law shall not apply to the Town of Rhinebeck.

If the action taken is contrary to the advisory recommendation of the County Department of Planning and Development, a report on the action, setting forth the reasons for the contrary action, shall be filed within thirty (30) calendar days of the final action, with said Department.

5. **Fee.** Each petition or application to amend this Zoning Law shall be accompanied by a fee payable to the Town Clerk upon the filing thereof in an amount as determined by the Town's Schedule of Fees.
6. **Consultant's Fee.** For any application for amendment initiated by petition or by application, the petitioner or the applicant, as the case may be, shall be required to comply with the provisions of Article XIV of this Zoning Law regarding reimbursement to the Town for professional consulting fees and the establishment of an escrow account. [\[Back\]](#)