

TOWN OF RHINEBECK
LOCAL LAW NO. 2 OF THE YEAR 2019

BE IT ENACTED by the Town Board of the Town of Rhinebeck as follows:

Section 1. Title

This Local Law shall be entitled “A Local Law Amending Town Code Chapter 125, Zoning, in the matter of Establishing a Workforce Housing District as a Floating District, Providing a Procedure for Locating a Workforce Housing District and Setting Forth Regulations for Development Therein”.

Section 2. Amendment to Town Code Chapter 125, Zoning

A. Amend Article II, Establishment of Zoning Districts, Section 125-15, Zoning districts, Subsection A, by modifying the last heading under Subsection A to read “Floating Districts” and listing thereunder “WH-F, Workforce Housing District – Floating”.

B. Amend Article II, Establishment of Zoning Districts, Section 125-15, Zoning districts, by adding the following Subsection:

“GG. Workforce Housing District – Floating (WH-F). A zoning district established for the purpose of fostering the Town’s overall affordable housing objectives as set forth within the Town Comprehensive Plan and intended to be mapped on a site-specific basis by the Town Board in the Village Gateway (VG) District as a Workforce Housing (WH) District to enable development of a specific project meeting the affordable housing objectives and standards set forth within Section 125-63 of this chapter. The application and review procedures to be followed by the Town Board in considering the establishment of a project-specific Workforce Housing (WH) District through reclassification of certain lands now classified within the Village Gateway (VG) District are set forth within Section 125-64.4 of this chapter

C. Amend Article III, Use Regulations, Section 125-20, District Schedule of Use Regulations, Subsection A, Attachment 2.1 through 2.6, by adding the column heading “Workforce Housing (WH) District” with the notation that this District is a “Floating District”.

D. Amend Article III, Use Regulations, Section 125-20, District Schedule of Use Regulations, Subsection A, Attachment 2.1, by adding the below use in proper

alphabetical sequence and associated cross-reference under the column Special Conditions:

Affordable housing development P*

E. Amend Article III, Use Regulations, Section 125-20, District Schedule of Use Regulations, Subsection A, Attachment 2.1 through 2.6, by adding the following designations under the column heading Workforce Housing (WH) District:

- Multi-family (new construction) P*
- One-family dwelling (new construction) P*
- Row house or town house P*
- Two-family dwelling (new construction) P*
- Customary accessory uses P*
- Civic uses P*
- Small-scale rooftop or building-mounted solar energy system P
- Small-scale freestanding or ground-mounted solar energy system S*
- Building-integrated photovoltaic system P
- Small-scale solar thermal system P
- All other listed uses --

F. Amend Article IV, Section 125-21, District Schedule of Area and Bulk Regulations , Subsection A, Attachment 3.1, by adding the following under the column heading Workforce Housing (WH) District:

Except as set forth within Article V, Supplementary Regulations, Section 125-64.4, all development within the Workforce Housing (WH) District shall be subject to the Area and Bulk Regulations applicable within the Village Gateway (VG) District.

G. Amend Article V, Supplementary Regulations, by adding the below Section 125-64.4:

“Section 125-64.4. Affordable housing development within the Workforce Housing (WH) District.

A. The Workforce Housing (WH) District shall have been approved and mapped by the Town Board in accordance with the overall procedures for zoning amendments found in Article XII of this chapter and the more specific procedures and requirements set forth within below subsection D.

B. The Workforce Housing (WH) District shall have been established through the reclassification by the Town Board of certain lands previously zoned Village Gateway (VG) District but which are by action of the Town Board now in the Workforce Housing (WH) District.

C. The proposed affordable workforce housing development shall conform with each of the below standards:

- (1) Proposed uses within the Workforce Housing (WH) District shall be limited to those uses set forth within the District Schedule of Regulations found within Article III, Use Regulations, of this chapter.
- (2) Not less than eighty percent (80%) of all proposed dwelling units within an affordable housing development within the Workforce Housing (WH) District shall be affordable housing units as defined within Article V, Supplementary Regulations, Section 125-63, Affordable housing, of this chapter.
- (3) The following sections of Article V, Supplementary Regulations, Affordable housing of this chapter shall govern an affordable housing development within the Workforce Housing (WH) District, except if the Town Board provides otherwise to the extent allowed by a government or other not-for-profit agency providing the funding for such a development – Sections 125-63.B; G; H(7), (8) except the reference to the Attorney for the Planning Board should be to the Attorney for the Town; I; J; K; N(4), (8), (9), (10) except the references to the Planning Board shall be to the Town Board; O; P; Q; R; S; T and V.
- (4) The maximum number of dwelling units within an affordable housing development within the Workforce Housing (WH) District shall be eighty (80).
- (5) Off-street parking shall be provided within an affordable workforce housing development in the number and configuration set forth within Article V, Section 125-36, of this chapter.
- (6) Development within the Workforce Housing (WH) District shall otherwise be governed by the same standards as set forth within Article IV, Section 125-21, District Schedule of Area and Bulk Regulations, Subsection A, Attachment 3.1, of this chapter for the Village Gateway (VG) District.
- (7) The affordable workforce housing development shall have access to existing public utilities with sufficient capacity, or which may be reasonably extended or created as part of the project, including water and sewage.
- (8) The affordable workforce housing development shall have safe and convenient access to public roadways and pedestrian ways.
- (9) The affordable workforce housing development shall have access to other transportation services.

- (10) The affordable workforce housing development shall have access to schools, recreation and other community services.
- (11) The layout of the affordable workforce housing development shall include usable common open space area(s) of a minimum of at least one-half (1/2) acre in area or a minimum of five hundred (500) square feet per dwelling unit, whichever is greater.
- (12) The overall site layout and the exterior architectural features of the dwelling units within the affordable workforce housing development shall be of a quality, character, compatibility and appearance that is in harmony with the surrounding neighborhood and the Town of Rhinebeck.

D. Application and Review Procedures Requirements.

- (1) Prior to consideration of a Zoning Map amendment, under the procedures established in Article XII of this chapter, affordable workforce housing developments are first subject to review and approval of an overall concept plan by the Town Board. The use of a collaborative planning process is encouraged for the development of the concept plan with opportunity provided for early public participation and input.
- (2) The establishment of a Workforce Housing (WH) District pursuant to this subsection shall be deemed to be a legislative act to be exercised in the sound discretion of the Town Board. The Town Board shall be under no obligation to accept an application for such rezoning, nor shall it be obligated to approve such application for rezoning after the application is accepted. The Town Board shall, in exercising its legislative discretion, take into account, among other considerations:
 - (a) The need for affordable workforce housing development within the Town of Rhinebeck; and
 - (b) The potential fiscal, municipal services and other impacts which may occur as a result of the development of affordable workforce housing within the Town of Rhinebeck.
- (3) The applicant shall submit to the Town Board a preliminary concept plan that includes all of the following components:
 - (a) General statement. The preliminary concept plan shall include a narrative which describes how the proposal serves the goals and objectives of the

Town Comprehensive Plan. This narrative should include information about potential phasing, an explanation of how the proposal complies with the design standards set forth herein and a description of the housing mix, including affordable units and, as may be applicable, market rate units.

- (b) Environmental analysis. The preliminary concept plan shall include a map showing New York State protected freshwater wetlands, federal jurisdictional wetlands, Town-regulated wetlands, streams, one-hundred-year floodplains, ecologically significant habitats as identified by Hudsonia Ltd., areas of 25% and greater slope, and such other environmental features and development limitations that would affect development of the site as more fully described in Article V, Section 125-43G of this chapter.
- (c) Sketch plan. The preliminary concept plan shall include a sketch plan, showing at an appropriate level of detail, buildings and other structures, the pedestrian, bicycle, and vehicle circulation system, vehicle parking areas, open space areas, and other required items. The sketch plan shall be designed to be an illustrative plan that can serve as a template for the application of specified design principles in order to achieve a desired form and appearance of development. The information provided shall include the following:

- [1] All improvements planned in conjunction with the proposed uses, including general locations, layout, and dimensions of structures, parking areas, streets, utilities, recreation areas, conservation areas, and other information necessary to demonstrate compliance with the requirements of this subsection, including square footage of building floor area, numbers of residential units, and impervious surface coverage.

- [2] Project phasing. Project phasing is a means to provide transportation, water supply, wastewater, emergency, and other accommodations sufficient to meet the needs of proposed residential uses. The phasing plan shall include the proposed sequence of phasing of the construction of infrastructure and buildings with estimated dates for the start and completion of each phase.

- [3] Fiscal impact. A standard fiscal impact model, such as the one described in Rutgers University's Center for Urban Policy Research

publication entitled "The Fiscal Impact Handbook," may be used to project the fiscal effects of the proposed development.

[4} Projected transportation impacts. These include the expected number of trips (peak and daily), an analysis of the impact of those trips on the adjacent road system, and proposed mitigation measures to limit any projected negative impacts.

(4) SEQRA and LWRP Compliance. The preliminary concept plan shall be accompanied by a Full Environmental Assessment Form (FEAF) Part 1 with supporting attachments describing both existing and proposed site conditions and the relationship of the proposed development to its environs, a Coastal Assessment Form (CAF), and, as may be applicable, an Agricultural Data Statement. The level of detail provided shall at a minimum be adequate to permit the Town Board to initiate environmental assessment of the project in accordance with Article 8 of the Environmental Conservation Law (SEQRA) and the 6 NYCRR Part 617 review procedures.

(5) Role of the Planning Board, the Workforce Housing Committee and the Waterfront Advisory Committee. If the Town Board receives a proposal for approval of a concept plan, the Town Board shall refer such full concept plan submission to the Town Planning Board and the Workforce Housing Committee for their review and recommendations and the Waterfront Advisory Committee for consideration of its consistency with pertinent coastal policies.

The Planning Board and the Workforce Housing Committee shall review the concept plan and shall discuss it with the applicant at a regular meeting. The Planning Board and the Workforce Housing Committee may invite informal public comment at such a meeting. The Planning Board and the Workforce Housing Committee shall report their recommendations to the Town Board within sixty (60) days after their next regularly scheduled meetings following the date of such referral of the proposed concept plan. The Planning Board and the Workforce Housing Committee's recommendations may be to adopt, adopt with modifications, or reject the proposed concept plan. If the Planning Board or the Workforce Housing Committee fail to report within 60 days, it shall be deemed to have no objections.

The Town Board may further request the Planning Board to assist the Town Board in carrying out its responsibilities under SEQRA. Such assistance

might include a request to the Planning Board to serve as lead agency for coordinated environmental quality review of all elements of the proposed project ranging from rezoning through site plan approval.

- (6) Public hearing. Prior to approving a concept plan, the Town Board shall hold a public hearing on the concept plan in accordance with the zoning amendment procedures contained in Article XII of this chapter. If the Planning Board or Workforce Housing Committee provides a recommendation to the Town Board, as provided for herein, said report shall become an official part of the minutes of the public hearing.

- (7) Town Board action. The Town Board shall refer the application to the Dutchess County Department of Planning and Development, under § 239-m of General Municipal Law, prior to taking action on the application. Following refinement of the preliminary concept plan based upon public participation in its development, completion of the public hearing, referral to the Town Planning Board, the Workforce Housing Committee, the Town Waterfront Advisory Committee and the County planning agency, and completion of the SEQRA review process, the Town Board may act to approve, approve with modifications or conditions, or disapprove the concept plan application and Zoning Map amendment for the Workforce Housing (WH) District in the exercise of its sole legal discretion. Approval of the concept plan application and Zoning Map amendment shall be with the recognition that the rezoning constitutes a legislative act. Nothing in these regulations shall limit the Town Board's ability to further restrict or to waive any provision of this subsection, other than waiver of the criteria for determining buildable area, the maximum density of ten (10) dwelling units per buildable acre, and the maximum number standard of eighty (80) dwelling units within the affordable workforce housing development.

- (8) Planning Board approval. Prior to the issuance of any building permit within a Workforce Housing (WH) District, detailed site plan applications shall be approved by the Planning Board in accordance with the provisions of Articles VII of this chapter, and no building or other site development shall be commenced except in conformity with such approved plans and permits.

The Planning Board shall not approve any site plan for an affordable workforce housing development unless said Board finds that the site plan is in substantial conformance with the concept plan which served as the basis for

the Town Board approval of the Workforce Housing (WH) District Zoning Map amendment.

Section 3. Supersession

This local law is hereby adopted pursuant to the provisions of Section 10 of the New York State Municipal Home Rule Law and Section 10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Town Law to the extent they may be inconsistent with the provisions of this Local Law.

Section 4. Severability

If any section or part of this local law is declared invalid or unconstitutional by a court of competent jurisdiction, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this local law.

Section 5. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.