

**TOWN OF RHINEBECK**

**PROPOSED LOCAL LAW NO \_\_\_ OF THE YEAR 2020**

**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 regulating Play Structure Type Treehouses in the Town of Rhinebeck."

**Section 2: Amendment to Town Code Chapter 125, Section 125-27**

*Add a new subsection D.*

D. A play structure with a maximum floor area of 60 square feet may be installed or constructed and used on any lot without the issuance of a building permit or certificate of occupancy, provided that:

- (1) The play structure does not have a permanent foundation.
- (2) The play structure is not served by any utility such as electricity, gas or plumbing.
- (3) The play structure does not exceed 10 feet in height from floor or platform to top of roof, including all support elements.
- (4) The maximum height of the floor or platform shall not exceed 14 feet above ground level.
- (5) For tree houses, the tree(s) shall be wholly contained within the lot containing the principal residence and the tree house shall be solely and entirely supported by a tree or trees.
- (6) The play structure is never used for human habitation.
- (7) All other requirements of this chapter related to accessory structures are fully met.

**Section 3: Amendment to Town Code Chapter 125, Section 125-135**

*Revise § 125-135 "Accessory Structure" as follows (new text in red) and add a "Play Structure" definition.*

**ACCESSORY STRUCTURE**

A structure or building, the use of which is customarily incidental and subordinate to that of the principal structure or building and which is attached thereto or is located on the same lot or premises. Except for an accessory dwelling unit, guest cottage or ECHO (elder cottage housing opportunity) unit approved under Articles VI and/or VII of this chapter, accessory structures are not for the purpose of human habitation and may include such structures or buildings as garages, swimming pools, spas, whirlpools or hot tubs, tennis courts, garden or tool sheds, barns, studios, greenhouses, and play structures, such elements as generators for nonemergency use, satellite dish antennas, and solar and wind energy systems.

[Amended 7-25-2016 by L.L. No. 5-2016; 5-22-2017 by L.L. No. 2-2017; 3-12-2018 by L.L. No. 2-2018]

**PLAY STRUCTURE**

A recreational structure such as a treehouse, playhouse, or prefabricated play equipment, located at grade or elevated, not intended for habitation and without amenities such as electricity or plumbing.

**Section 4. 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 5. 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 6. 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.