

Consult the Town of Clinton Zoning Law BEFORE you buy or develop your property

<http://www.townofclinton.com/department/zoning/>

<http://www.ecode360.com/CL1589?#CL1589>

How Zoning Helps You

Zoning ordinances and regulations control how you can use your property, but zoning can work for you, not against you. Zoning is designed to protect your property values and prevent incompatible uses from occurring nearby.

Some ways in which owners use their land can be incompatible with each other. For example, most people living in a sleepy residential neighborhood do not want a heavy industrial use right next door. Similarly, many farm uses—which can be noisy, dusty, and smelly—are not compatible with residential uses. Our zoning regulations guide certain types of development to avoid conflict among residents.

Zoning also guarantees that development around your property will happen in an orderly and well-planned way. Regulations on lot size, setback lines, building height, and population density can make areas more attractive.

Know Your Zoning BEFORE You Make Big Plans

Zoning comes into play on every single real estate development, big or small. So if you're thinking about buying property or improving property that you own, you need to find out how your plan fits into our zoning law. It can be an expensive mistake if you buy a property first and then find out later that zoning prohibits what you planned to do.

Say you find a piece of vacant land that seems ideal for a rural subdivision, but later find out it's zoned for agricultural use and cannot be subdivided. You may be stuck with a bare piece of land with no development potential.

Our Zoning Tools

The Town of Clinton has two primary zoning documents. The first is called a **comprehensive plan** (also known as a "master plan" or "general plan"). The other is a **zoning ordinance** (sometimes called a "land use ordinance" or "development code").

The **comprehensive plan** is the policy document that guides development in our Town. The **zoning ordinance** includes land use regulations and a zoning map that classifies property into various zones, describes allowable and restricted uses for each zone, and specifies development standards and procedural requirements.

The zoning ordinance implements the comprehensive plan.

Finding Out Your Land Use Requirements and Restrictions

Our zoning law classifies land into specific districts (for example, MR1: medium density residential). You can determine what district your property is in by reviewing the Town's zoning map, which is available in the Zoning Department, located at 1215 Centre Road, Rhinebeck in the Masonic Hall Building (Zoning Clerk hours are Monday through Wednesday, 11am – 2pm), or online at <http://www.townofclinton.com/wp-content/uploads/zoningmappdf.pdf>.

Understanding the Zoning Ordinance

The zoning ordinance lists allowable uses for each zoning district. In most cases, potential uses will be listed as permitted or prohibited in each specific district. Although they are allowed within certain parameters, **permitted uses may still require site plan review in specific zoning districts.**

For example, single-family dwellings and home occupations are permitted uses in almost all zoning districts and do not require either a site plan or special permit. However, an accessory dwelling unit, while allowed in almost all zoning districts, requires a site plan and special permit that may impose specific requirements as conditions of approval.

Typically, if a use is not listed as an allowable use in a certain zone, it is prohibited in that zone.

Subdivisions

Many property owners divide their land into multiple lots with the hope of selling them at a profit. Subdivisions are a common type of land development. Subdividing land is subject to our zoning ordinance and a separate subdivision ordinance. If you want to subdivide your land, be sure to talk to a land use attorney.

Development Standards Also Apply

For a use to be approved, it must comply with the development standards in the town's zoning ordinance. Development standards include design requirements and other criteria that control the manner in which a development must be completed. These standards vary depending on the specific use at issue.

If a development cannot be completed in accordance with the development standards, the town may not approve the use unless a variance is granted.

A Zoning Variance May Be Possible....But Not Easy

Just because your land is not zoned for a certain use does not mean that zoning cannot be changed to allow that use in your particular case. If a proposed action is denied by the Zoning Enforcement Officer, you can apply to the Zoning Board of Appeals for a variance.

Applying for a variance in the use of your land or the location of your project (such as a change in setback requirements) is a three-step process:

1. Submit a variance application to the Zoning Board of Appeals (NOTE: an application fee applies)
2. Receive a variance recommendation from the Planning Board
3. Proceed to the Zoning Board of Appeals for a final determination.

For more information about zoning and zoning variances in the Town of Clinton, see <http://www.townofclinton.com/departments/zoning/>.

Because the process of applying for zone changes can be difficult and time consuming, you may want to hire a local land use attorney to help review your land use plans and your options for handling zoning concerns.