

VILLAGE OF RED HOOK
LOCAL LAW NO. ___ OF THE YEAR 2021

A LOCAL LAW TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF RED HOOK, CREATE THE GATEWAY BUSINESS DISTRICT, AND MAKE OTHER ASSOCIATED CHANGES

Be it enacted by the Village Board of the Village of Red Hook as follows:

Section 1. Legislative Intent

This local law amends the Village Zoning Law and Zoning Map to eliminate the Highway Business District and replace it with the new Gateway Business District and extend the Neighborhood Mixed-Use District along portions of S. Broadway. The text of the Zoning Law is further amended to allow preexisting single-family, two-family and multifamily homes to continue as permitted uses in the General Business District and to revise the permitted uses within the R10,000, R20,000, and Neighborhood Mixed-Use Districts.

The elimination of the Highway Business District is consistent with the existing pattern of growth and recognizes the increased development potential of property within Phase 1 of the municipal sewer project. The creation of the Gateway Business District and the minor expansion of the Neighborhood Mixed-Use District will increase the highest and best uses of the included properties and maintain the historic, small urban scale and traditional development patterns of the Village.

Section 2. Adoption of Amended Zoning Map

The Zoning Map attached to the Zoning Law as 200 Attachment 2, last revised September 12, 2016, and any subsequent zoning maps adopted by the Village of Red Hook, are hereby deleted and replaced with the new Zoning Map entitled “Village Zoning Map, Village of Red Hook”, dated August, 2021, as attached hereto as Exhibit A.

Section 3. Subsection E of Section 200-7 of the Zoning Law, entitled, “General Regulations,” is hereby amended to delete the reference to the Highway Business and replace it with Gateway Business read as follows:

E. Uses on a lot. Except in the General Business and Gateway Business Districts or as specifically permitted elsewhere in this chapter, only one permitted or special permitted use per lot shall be allowed. Accessory uses and buildings are also permitted subject to the specific provisions of this chapter.

Section 4. Section 200-2 of the Zoning Law, entitled, “Establishment of Districts,” is hereby amended to delete the reference to the Highway Business and replace it with Gateway Business so that it reads as follows:

For the purpose of this chapter, the Village of Red Hook is hereby divided into the following six classes of districts:

Residential 20,000	R20,000
Residential 10,000	R10,000
General Business	GB
Gateway Business	GWB
Neighborhood Mixed Use	NMU
Light Industrial Business	LIB

Section 5. Subsection B of Section 200-5 of the Zoning Law, entitled, “Definitions,” is hereby amended by deleting the definitions of “Accessory Apartment,” “Accessory Apartment in Commercial District” and “Dwelling, Multifamily,” and by adding the following new definitions:

Build-To Line – the line at which construction of a building façade is to be placed on a lot. A build-to line runs parallel to, and is measured from, the front property line and is established to create a continuous (or more or less even) building façade on a street.

Apartment – a dwelling unit located on a second or third floor of a commercial or mixed-use building in the GB, NMU or GWB Districts. The dwelling shall provide complete housekeeping facilities for one or more families, including independent cooking, bathroom and sleeping facilities and shall have a minimum of 500 square feet of habitable floor area. An apartment may be permitted in the rear portion of the first floor of a building, not to exceed 50% of the gross floor area of the first floor, provided that such apartment is designed to be ADA accessible.

Dwelling, Accessory – a dwelling unit on a residential property which is subordinate to the principal one-family dwelling in terms of size, location and appearance and provides complete housekeeping facilities for one family, including independent cooking, bathroom and sleeping facilities, with physically separate access from any other dwelling unit or use. Such unit may be located within the single-family home or within a detached structure, subject to the requirements of Section 200-19.

Dwelling, Multifamily – a dwelling or group of dwellings on one lot containing separate dwelling units for three or more families, not including a one-family dwelling with an accessory dwelling. A multifamily dwelling may have joint services or facilities or both and is subject to the provisions of § 200-31.

Dwelling, Two-family – a structure containing two dwelling units, not including a one-family dwelling with an accessory dwelling.

Habitable Floor Area – the total of the floor areas of all stories contained within the inside walls of a dwelling unit, excluding any garage, carport, porch, veranda, unfinished attic, unfinished basement and excluding public or common halls or stairways.

Section 6. Subsection C(5) of Section 200-9 of the Zoning Law, entitled, “Residential District R10,000,” is hereby deleted and replaced with a new subsection C(5) to read as follows:

(5) Dwelling, two-family.

Section 7. Subsection B(3)(b) of Section 200-9 of the Zoning Law, entitled, “Residential District R10,000,” is hereby amended to read as follows:

(b) Accessory dwelling subject to the requirements of § 200-19.

Section 8. Subsection C(9) of Section 200-8 of the Zoning Law, entitled, “Residential District R20,000,” is hereby amended to read as follows:

(9) Dwelling, two-family.

Section 9. Subsection B(3)(b) of Section 200-8 of the Zoning Law, entitled, “Residential District R20,000,” is hereby amended to read as follows:

(b) Accessory dwelling subject to the requirements of § 200-19.

Section 10. Subsection C(13) of Section 200-8 of the Zoning Law, entitled, “Residential District R20,000,” is hereby amended to read as follows:

(13) Accessory dwelling in a detached structure subject to the requirements of § 200-19.

Section 11. Subsection D of Section 200-8 of the Zoning Law, entitled, “Residential District R20,000,” is hereby amended to insert a new subsection (8) and to renumber existing subsection (8) as (9) and all subsequent subsections accordingly, to read as follows:

(8) Accessory buildings. Sheds and accessory buildings not exceeding one story may have a reduced setback of not less than 5 feet from the side and rear lot lines, provided that any accessory structure containing an accessory dwelling must comply with the standard setbacks for the District.

Section 12. Subsection D of Section 200-9 of the Zoning Law, entitled, “Residential District R10,000,” is hereby amended to insert a new subsection (8) and to renumber existing subsection (8) as (9) and all subsequent subsections accordingly, to read as follows:

(8) Accessory buildings. Sheds and accessory buildings not exceeding one story may have a reduced setback of not less than 5 feet from the side and rear lot lines, provided that any accessory structure containing an accessory dwelling must comply with the standard setbacks for the District.

Section 13. Subsection B of Section 200-10 of the Zoning Law, entitled, “General Business District,” is hereby amended to insert a new subsection (13) and to renumber existing subsection (13) as (14) and all subsections thereafter accordingly, to read as follows:

(13) Dwellings, one-family, two-family and multifamily, legally in existence as of June 30, 2021, and which have not been thereafter converted to another permitted use. Such dwellings may be altered, improved and modified in accordance with the R10,000 bulk regulations.

Section 14. Subsection C(2) of Section 200-10 of the Zoning Law, entitled, “General Business District,” is hereby amended to read as follows:

(2) In a commercial structure, apartments in accordance with § 200-31.

Section 15. Section 200-11 of the Zoning Law, entitled, “Highway Business District HB,” is hereby deleted and replaced with the following standards for the Gateway Business District:

§ 200-11. Gateway Business District GWB.

The Gateway Business District is intended to serve as the eastern gateway and entrance to the village and provide a transition from rural to commercial uses. The established setbacks, maximum building sizes and uses are compatible with existing mixed-use development, built context and traditional development patterns of the nearby General Business (GB) District and consistent with the Dutchess County Greenway Compact Guide.

The Gateway Business District seeks to continue the front yard setbacks/build-to-line of the adjacent zoning districts by emphasizing visual and physical access to retail/commercial storefronts along the tree lined sidewalk for pedestrians. The consistent build-to-line will help establish and maintain an active, small urban corridor shared by vehicles, while encouraging pedestrian safety and mobility by limiting the number of curb cuts per property and locating vehicular parking and loading zones in rear yards and/or screened side-yards of properties.

A. Site plan approval. All uses permitted in this district shall be subject to site plan approval as provided by § **200-16**.

B. Permitted principal uses, buildings and other structures shall be as follows:

1. Eating and drinking establishments.
2. General retail use, including shops, furniture stores and equipment stores.
3. Medical and health services.
4. Salesrooms or shops of a builder, contractor or artisan.
5. Offices, business and professional.
6. Personal service establishments.
7. Real estate establishments.
8. Security and commodity brokers, dealers and services.

9. Hotels.
10. Motel or Motor Court subject to the provisions of § 200-30.
11. Apartments in accordance with § 200-31.

C. Permitted accessory uses, buildings and other structures shall be as follows:

1. Accessory buildings and structures customarily associated with the principal permitted use.
2. Off-street parking for commercial vehicles while loading and unloading, as required by § 200-34.
3. Off-street parking and automobile storage, as required by § 200-33.
4. Signs as permitted by § 200-38.
5. Temporary structures as permitted by § 200-41.
6. EV charging stations.

D. Uses for which the Planning Board may issue a special permit in accordance with the provisions of §§ 200-15 and 200-16 shall be as follows:

1. Temporary fairs, carnivals and circuses, subject to the additional provisions of § 200-25.
2. Theaters (motion picture and live) other than drive-in.
3. Repair and machine shops.

E. Area, yard, height, parking space location, coverage and bulk requirements.

1. General. The area, yard, coverage and height provisions established by this section apply to all permitted uses in the GWB District for which special criteria are not established elsewhere in the chapter.
2. Minimum lot size is 20,000 square feet.
3. Lot dimensions; interior lots. Except as otherwise specified, the minimum frontage of an interior lot shall be 50 feet.
4. The build-to line shall conform to existing build-to line of adjacent properties and/or average build-to lines of adjacent structures to encourage a unified line of façades. The front yard setback shall be sufficient to accommodate a planting strip or sidewalk, as determined necessary by the Planning Board. In no event shall the front yard setback be more than 15 feet.
5. Rear yards. There shall be a rear yard of not less than 35 feet, except that in the case of through lots, the front yard requirement specified by Subsection E(4) above shall be observed on both streets.
6. Side yards. There shall be two side yards with a total width of 20 feet. The width of the narrower of the two side yards shall not be less than 1/3 of the total width of the two side yards.
7. Height. No building shall exceed 50 feet in height or 3 stories, whichever is less.
8. Coverage. The maximum coverage shall be 35%.
9. Residential buffer. Properties abutting residential uses in a residential district shall provide a buffer along the property line of fencing, 20-foot evergreen buffer, or combination of both.

F. Entrances and exits upon public streets.

1. Number and spacing. To reduce conflicts between pedestrian and vehicular circulation, curb cuts should be limited to one per lot unless a traffic impact analysis justifies additional curb cuts. In no case shall there be more than one entrance and one exit per lot on any individual public street.
2. Width. No entrance or exit shall have a width greater than 25 feet.

G. Landscape treatment. Landscape treatment shall be as determined by the Planning Board in accordance with § 200-29F.

H. Outdoor storage. No goods or equipment shall be stored out-of-doors unless enclosed and screened from view by fences not less than six feet in height or vegetative screening in the discretion of the Planning Board. Retail businesses may display items for sale outdoors but such items may not be left out overnight.

Section 16. Subsection B(1)(c) of Section 200-12 of the Zoning Law, entitled, “Neighborhood Mixed-Use,” is hereby amended to read as follows:

(c) Dwellings, multifamily, maximum of six units per structure, subject to the provisions of § 200-31.

Section 17. Subsection C of Section 200-12 of the Zoning Law, entitled, “Neighborhood Mixed-Use,” is amended by deleting subsection (2), adding new subsections (2) and (3) as follows, and renumbering all remaining subsections thereafter:

- (2) Accessory dwelling subject to the requirements of § 200-19.
- (3) Apartment subject to the requirements of § 200-31.

Section 18. Subsection A of Section 200-16 of the Zoning Law, entitled, “Site plan approval,” is hereby amended to delete the reference to the Highway Business (HB) District and replace it with Gateway Business (GWB) District so that it reads as follows:

A. Requirement. Site plan approval by the Planning Board is required for all uses permitted in § 200-10, General Business (GB) District, § 200-11, Gateway Business (GWB) District and § 200-12, Neighborhood Mixed Use (NMU) District, except for one- and two-family dwellings; before issuance of a building permit for any external change in the aforementioned districts excluding signage, up to two EV charging stations and one- and two-family dwellings; for all special permitted uses; and for alteration and changes of nonconforming uses and structures as provided for by Article VI.

Section 19. Section 200-19 of the Zoning Law entitled, “Apartments” is hereby deleted and replaced with the following new section entitled “Accessory Dwellings”:

200-19. Accessory Dwellings.

A. General provisions.

- (1) Only one accessory dwelling shall be permitted on a lot as an accessory use to a one-family dwelling unit.
- (2) The accessory dwelling unit shall be no larger than 35% of the existing habitable floor space of the one-family dwelling, whether in the same structure or in a separate detached structure, and shall provide not less than 500 square feet of habitable space.
- (3) All Uniform Code or other requirements under local law or ordinance and other applicable laws and regulations shall be complied with, and both a building permit and a certificate of occupancy shall be obtained before occupancy.
- (4) The applicant shall certify that the water supply is potable by certification through the Dutchess County Department of Behavioral and Community Health and shall further certify that water-conserving fixtures have been installed for the accessory dwelling in accordance with Environmental Conservation Law § 15-0314.
- (5) The applicant shall certify that the sewage disposal system is adequate for the two dwelling units. Certification may be obtained by a licensed professional engineer or the Code Enforcement Officer.
- (6) Any new exterior entrance created to accommodate the accessory dwelling unit shall be located at the side or the rear of the structure. Stairways leading to any floor or story above the first floor shall be located within the walls of the building wherever practicable. In no instance shall a stairway or fire escape be located on any wall fronting on a street.
- (7) Off-street parking satisfying the requirements of § **200-33** of this chapter shall be located on the parcel on which the accessory dwelling unit is located. Parking, where practicable, will be located behind the dwelling units.
- (8) If the accessory dwelling is located in a detached structure, the accessory dwelling shall receive site plan and special use permit approval from the Planning Board.
- (9) An area variance for side and rear-yard setbacks shall not be required to convert an accessory structure legally existing as of June 30, 2021 into an accessory dwelling if no expansion or enlargement of the detached structure is proposed.
- (10) For a proposed accessory dwelling on a nonconforming lot, refer to Section 200-48.

Section 20. Section 200-31 of the Zoning Law, entitled, “Multifamily dwellings” is hereby amended to read as follows:

§200-31. Multifamily dwellings and apartments.

A. Number of units permitted.

- a. In the GB and GWB Districts, there is no limit on the number of apartments permitted in a mixed-use or commercial building provided a minimum of 600 square feet of habitable floor area per apartment is provided adequate provision is made for water and wastewater and all other dimensional requirements are met.
- b. In buildings with more than three apartments, at least twenty-percent (20%) of the apartments shall have two or more bedrooms. The required number of units shall be rounded down to the nearest whole number.

B. Specific Development Standards.

1. Applicant shall connect to municipal sewer system if available or obtain approval of wastewater disposal system from the Dutchess County Department of Behavioral and Community Health.
2. All parking and service areas shall be screened with plantings or fencing from adjacent properties and streets in addition to the design standards in 200-16.
3. Adequate sight distance shall be provided at all entrances and exits, as may be required by the agency of jurisdiction.

Section 21. Severability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Village of Red Hook hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 22. 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.