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**TOWN OF RED HOOK  
LOCAL LAW NO. C (PROPOSED) OF 2018**

**A LOCAL LAW TO ESTABLISH A NEW CHAPTER 79 OF THE TOWN CODE TO BE KNOWN AS “FOOD TRUCKS,” AND TO AMEND CHAPTER 143 OF THE CODE OF THE TOWN OF RED HOOK ENTITLED “ZONING” TO PROHIBIT DRIVE-THRU BUSINESSES AND FORMULA BUSINESSES; TO REZONE THE BUSINESS 1 (B1) DISTRICT IN UPPER RED HOOK AS A HAMLET BUSINESS (HB) DISTRICT; TO AMEND THE USES IN VARIOUS DISTRICTS TO INCLUDE FOOD TRUCKS; TO AMEND THE TND-CC SUBDISTRICT TO DELETE THE SPECIAL PERMITTED USES; AND TO AMEND THE AREA AND BULK TABLE TO INCLUDE PROVISIONS FOR THE HB DISTRICT**

**BE IT ENACTED** by the Town Board of the Town of Red Hook as follows:

**SECTION 1. LEGISLATIVE INTENT**

This local law amends the Zoning Law to expressly define Drive-In, Drive-Thru and Drive-In Window and Formula Businesses and to prohibit them in all zoning districts in the Town. Existing definitions and regulations for fast-food restaurants in the B-1 District are deleted.

The Town of Red Hook has worked diligently over the last decade to preserve its rural small-town character which includes a walkable business core and rural agricultural greenspaces. The Town has adopted and implemented a Centers and Greenspaces Plan, providing for walkable, denser, core development and has implemented a purchase of development rights program and incentive zoning to protect its greenspaces. Red Hook is recognized by residents and visitors for its small-town character, including many small scale retail businesses and restaurants. Red Hook and its villages have invested tax dollars (with federal, state and county support) to make the community’s business areas walkable with the construction of new sidewalks.

The Red Hook community is recognized as an area of historic and scenic significance in both New York State and in the nation. The town lies within the Hudson River Valley National Heritage Area, The Hudson River National Historic Landmark District, the Estate District Statewide Area of Scenic Significance, and the Mid-Hudson Historic

Shorelands Scenic Area. Numerous resident surveys and resultant adopted plans, including the Town's Comprehensive Plan (1993), Open Space Plan (2006), and Centers and Greenspaces study supporting related zoning amendments (2011) document the community's desire to maintain its rural "Town and Country" character.

The Inter-municipal Task Force has prepared a report on formula businesses and drive-thru businesses dated August 31, 2016 and has recommended that the Town act to prohibit them. The Town has reviewed the report and reports from other entities and municipalities and finds that formula businesses and drive-thru businesses not only detract from the character of the business districts in the Town, but detract from the unique, historic character of the entire community and the quality of life of Red Hook residents.

If formula businesses and drive-thru windows were allowed to proliferate in Red Hook, properties in the historic districts and agricultural landscapes would be diminished and the unique, historic character of the Town would be irretrievably lost. Red Hook could become one more generic Hudson Valley commercial strip. Moreover, formula businesses and the attendant heavy vehicular traffic they would generate would likely overwhelm the Town and its villages with noise, pollution (via fumes and excessive lighting) and odors. The Town's villages, traditional neighborhood development areas and hamlets would cease to be walkable, the quality of life of residents would deteriorate, and tourists who help support existing businesses might avoid coming to the Town.

This Local Law also amends the Zoning Law to replace the B1 District in Upper Red Hook with a Hamlet Business (HB) District with amended uses and design standards..

Finally, this Local Law amends the Use Table to permit food trucks in various districts and establishes a new Chapter 79 of the Town Code to include provisions for food trucks.

## **SECTION 2. SEVERABILITY**

The invalidity of any word, section, clause, paragraph, sentence, part of provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

## **SECTION 3. ADOPTION OF NEW CHAPTER 79 ENTITLED "FOOD TRUCKS"**

**§ 3.1. A new chapter 79 is hereby inserted into the Code of the Town of Red Hook to read as follows:**

### **Chapter 79. Food Trucks**

#### **§ 79-1. Purpose.**

The purpose of this chapter is to regulate food trucks within the Town of Red Hook in a manner that protects the public health, safety and welfare. This chapter describes the permitting procedures for food trucks and is intended to operate in conjunction with the regulations of Chapter 143 entitled “Zoning.”

**§ 79-2. Definitions.**

The following terms shall, for the purposes of this chapter, have the meanings herein indicated:

**FOOD TRUCK** – A mobile food service operation located in a licensed motorized vehicle or a movable cart, stand, or trailer and from which food and beverages (pre-packaged or prepared and served from the vehicle or stand) are sold or distributed in individual portions to the general public directly from the food truck for consumption on or off of the premises.

**FOOD TRUCK OPERATOR** — The registered owner of a food truck or the owner’s agent or employee.

**§ 79-3. Permit Required.**

- A. It shall be unlawful for any person or entity to operate a food truck within the Town of Red Hook without having obtained a permit for such purpose in accordance with the provisions of this chapter.
- B. Any person or entity desiring to operate a food truck shall make a written application for a food truck permit to the Town of Red Hook Zoning Enforcement Officer. The application for a permit shall be made on forms provided by the Town of Red Hook and shall include the information required by this chapter and the following:
  - (1) Name, signature, telephone number, email address, home address, and business address of the food truck operator and of the registered owner of the food truck.
  - (2) A description and photograph of the food truck, including the license plate and registration number, VIN number, year, make, and model of the vehicle, and dimensions (length and width).
  - (3) A valid copy of the Dutchess County Health Department permit for a mobile food service operation.
  - (4) Address of the private property the food truck will be located on and name of the property owner.
  - (5) Owner Consent Form from the property owner authorizing the location of the food truck on the property.

- (6) A sketch plan including details sufficient to demonstrate compliance with this chapter.
- (7) Required application fee in accordance with the fee schedule established by the Town Board.
- C. The Zoning Enforcement Officer shall approve and issue a food truck permit if:
  - (1) The applicant demonstrates compliance with the requirements of this chapter;
  - (2) The required food truck permit fee has been paid; and
  - (3) No notices of violation are pending on the property; and
  - (4) The use is permitted in the Zoning District by Chapter 143.
- D. Food truck permits may be issued for the following lengths of operation, provided that in no event shall a permit be issued to expire later than the County Health Department permit:
  - (1) Seasonal Permit: 9 months
  - (2) Daily Permit: 3 consecutive days.
- E. A permit is effective upon approval by the Zoning Enforcement Officer.
- F. A food truck permit is not transferable.
- G. The Zoning Enforcement Officer shall administer this chapter and be authorized to issue appearance tickets for any violations of this chapter.

**§ 79-4. Siting.**

- A. Food trucks permitted under this chapter shall only be located on private property. Nothing in this chapter shall be deemed to authorize the sale or distribution of food from a food truck on public property or in the public right of way.
- B. Food trucks shall only be permitted in the Zoning Districts authorized in Chapter 143 of the Town Code.
- C. Food trucks may only be sited on the property at the location designated on the permit.
- D. Food trucks shall meet the minimum side and rear yard setback requirements for a principal structure in the Zoning District in which they are located, and shall have a minimum front yard setback of five feet.

- E. Food trucks shall be located a minimum of five feet from the edge of any driveway, utility box and vault, handicapped ramp, building entrance, exit or emergency access/exit way or emergency call box.
- F. Food trucks shall be located a minimum of 150 feet from the main entrance to any restaurant, 150 feet from any outdoor dining area associated with any restaurant, and 50 feet from any food truck on another property, as measured from the designated location on the lot accommodating the food truck.
- G. Food trucks located near bodies of water shall be consistent with the requirements of § 143-30 of the Town of Red Hook Zoning Law.
- H. Food trucks must be sited in a location that does not obstruct or interfere with the free flow of pedestrian or vehicular traffic, does not restrict visibility at any driveway or intersection, and does not unreasonably interfere with the activities of other businesses or otherwise interfere with other lawful activities or violate any statutes, ordinances, or other laws.

**§ 79-5. Number and Size of Food Trucks.**

- A. A food truck or trucks may only be located on a lot of at least ½ acre in size.
- B. A maximum of three food trucks shall be permitted per lot at any one time.
- C. The maximum number of permits that may be issued and outstanding for any lot per year shall be one seasonal permit and three daily permits.
- D. The maximum size of a food truck shall be 256 square feet, measured from the exterior faces of the food truck.

**§ 79-6. Operations.**

- A. Food truck operators shall maintain a valid Dutchess County Health Department permit and shall operate the food truck in conformance with all applicable health standards.
- B. The following shall be conspicuously posted in public view on the food truck at all times: the Dutchess County Health Department permit; the Town of Red Hook Food Truck Permit; and a notice in at least 2-inch font stating: “To report a violation, call the Town of Red Hook Zoning Enforcement Officer at 845-758-4600.”
- C. Food truck operators must demonstrate that a minimum of four parking spaces are available on the lot (or on an immediately adjacent lot with owner permission) to serve the food truck, and that such spaces are not otherwise reserved, encumbered, or designated to satisfy the off-street parking requirement of another business or activity that is operating on the lot at the same time as the food truck.

- D. Food trucks must have adequate ingress and egress from the property to prevent traffic congestion and safety hazards. Existing and/or proposed curb cuts intended to serve the food truck shall meet the minimum sight distance requirements of the Town of Red Hook Highway Specifications.
- E. Signage. All food trucks shall be permitted a single freestanding sign not greater than eight square feet in size, in addition to the following:
  - (1) There shall be no limit on the size or number of signs on the truck.
  - (2) Signs affixed to food trucks shall not be mounted perpendicular to the food truck, and shall not protrude beyond the edges of the food truck.
- F. The operation of food trucks shall be limited to the months of March 1<sup>st</sup> through November 30<sup>th</sup> and the hours of 7:00 a.m. to 9:00 p.m.
- G. The food truck operator or his/her designee must be present at all times during the hours of operation except in cases of emergency.
- H. Food truck operators shall provide trash and recycling receptacles within 10 feet of their food truck. A food truck operator is responsible for the proper disposal of waste and trash associated with the operation of the food truck. Operators shall remove all waste and trash from their approved location at the end of each day or more frequently as needed to maintain the health and safety of the public. The food truck operator shall keep all areas and any associated seating areas clean of grease, trash, paper, cups or cans associated with the operation. No liquid waste or grease shall be disposed in or on streams, wetlands, storm drains, lawns, sidewalks, streets, or other public space or in sanitary sewers or septic tanks not equipped with a grease trap.
- I. Outdoor seating shall be permitted as long as it is sited consistent with the provisions for food trucks in § 79-4.
- J. With the exception of allowable outdoor seating areas and trash receptacles, all equipment required for the operation of a food truck shall be contained within, attached to or located within three feet of the food truck.
- K. No food shall be prepared, sold or displayed at the food truck site outside of the food truck.
- L. No lighting is permitted except for lighting that is used within the food truck for the purpose of inside food preparation. Such lighting shall be turned off after hours.
- M. Tents are prohibited. Awnings are only permitted if they are attached to the food truck. Umbrellas are only permitted if they are attached to a picnic table.

- N. Amplified sound or loudspeakers are prohibited, and the food truck operation shall comply with the noise limits in Chapter 92 of the Town Code.
- O. Food trucks shall be consistent with the general performance standards of § 143-25 of the Zoning Law, and shall not cause objectionable odors or smoke at any lot line.
- P. Food trucks and associated outdoor seating, if any, shall be removed from all permitted locations upon expiration of the permit.

**§ 79-7. Exceptions.**

- A. Special Event, Private Residence. Residents may request that food trucks cater special events on private property at their place of residence within any Zoning District. Such request for a special event private use food truck permit shall be made to the Zoning Enforcement Officer for a period not exceeding 1 day, and not more than 2 events per year, and subject to the requirements of this chapter except for Section 79-4B and 79-6N. In such cases, sales shall be limited to event attendees only (not to the general public).
- B. Special Permit Procedure, Public Property. The Town Board may from time to time by resolution establish procedures for issuance of a permit to locate a food truck on certain public property, and such permits, if authorized by the Town in its discretion, shall not be subject to the requirements of this chapter except (i) other than within a parcel owned by the Town or an adjacent right of way area, they shall be sited within permitted Zoning Districts, and (ii) as may be provided in such resolution.
- C. Special Event, Public. The Town Board may by resolution authorize a not for profit organization or public entity to obtain a daily permit in any Zoning District for a designated date, time and location approved by the Town Board for the purpose of special events or public festivals. The Town Board may by resolution authorize a daily permit in any Zoning District in conjunction with a permit for parades, processions and block parties or large assemblies.

**§ 79-8. Violations.**

- A. Any of the following shall constitute a violation of this chapter:
  - (1) Failure to properly obtain and/or properly display a valid food truck permit shall be considered a violation of this chapter.
  - (2) Fraud or misrepresentation contained in the permit application.
  - (3) Fraud or misrepresentation made in the course of operating the business.
  - (4) Conduct that creates a public nuisance, or otherwise constitutes a danger to the public health, safety, welfare or morals.

(5) Failure to comply with the provisions of this chapter.

**§ 79-9. Suspension or revocation of a permit.**

- A. The Zoning Enforcement Officer may issue a notice of intent to suspend or revoke a food truck permit for any violation. The notice of intent to suspend or revoke shall describe the violation, and require the permit holder to immediately correct the violation or cause the violation to be corrected.
- B. The notice of intent shall be provided to the permit holder by personal service, by regular mail to the address submitted with the permit application, or by posting at the place of business of the food truck.
- C. If the permit holder fails to immediately correct the violation or cause the violation to be corrected, the Zoning Enforcement Officer shall suspend or revoke the permit.
- D. A permit holder shall be entitled to request a hearing on suspension or revocation before the Town Board, upon application made to the Town Clerk demonstrating that the permit holder was not in violation of the permit. Any suspension or revocation remains in effect unless modified by the Town Board. The Town Board shall hold a hearing to determine whether to reverse the suspension or revocation within 30 days of written request.

**§ 79-10. Enforcement and administration.**

- A. The requirements established by this chapter shall be administered and enforced by any law enforcement agency that has jurisdiction in the Town of Red Hook ("police officers"), the Town of Red Hook Zoning Enforcement Officer, Code Enforcement Official/Building Inspector and Town Attorney or his/her designee and such other employees and/or officials authorized by the Town Board.
- B. Pursuant to the provisions of Municipal Home Rule Law, § 10, Subdivision 4(a), and the Criminal Procedure Law, § 150.10, Police Officers, the Zoning Enforcement Officer and Code Enforcement Official/Building Inspector of the Town of Red Hook are hereby authorized to issue and serve appearance tickets, as defined in the Criminal Procedure Law, returnable in Town Court of the Town of Red Hook, when he or she has reasonable cause to believe a person has violated, in his or her presence, Chapter 79 of the Code of the Town of Red Hook, entitled "Food Trucks," and to prosecute the violation in Town Court.
- C. If the violation occurs on the premises of a property which is occupied by someone other than the owner, the issuer of the appearance ticket must also notify the owner in writing of the violation within five business days of said violation. Failure to provide such notice shall not affect the prosecution of the person or persons charged with said violation.



**79-11. Penalties for offenses.**

- A. Violation of this chapter shall be deemed an offense, and any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction, be subject to a penalty of not more than \$250, or imprisonment for a term not to exceed 15 days, or both. Each day's continued violation shall constitute a separate offense.
- B. Conviction of a violation of this chapter shall constitute and effect an immediate forfeiture of any license hereunder held by the person so convicted.
- C. Without limiting any other remedy, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this chapter.

**SECTION 4. AMENDMENTS TO ARTICLE I OF THE ZONING LAW ENTITLED "GENERAL PROVISIONS"**

**§ 4.1. Section 143-4B of the Code is hereby amended by the addition of the following new definitions:**

AGRICULTURAL SUPPORT BUSINESS — A use described in 143-39.1C(1) and (2) and any other use principally engaged in agriculture or principally supporting agricultural operations, including the sale or rental of farm tools or implements, feed, grain, tack, and animal care products for livestock and horses, farm supplies, farm machinery and/or repairs. A "pet store" shall not be considered an "agricultural support business."

DRIVE-IN, DRIVE-THRU or DRIVE-IN WINDOW — 1) a component of an establishment wherein the sale of goods, services, food or drink is provided directly to patrons while seated in automobiles which are located on the premises; or 2) where the service such as ordering, delivering or payment is performed by a carhop, waiter or waitress located on the outside the confines of the building to patrons seated in a stationary automobile parked on the premises and where such consumption is allowed, encouraged or permitted on the premises; or 3) a component of an establishment where food and drink is served from an enclosed building to patrons seated in automobiles located outside the confines of the building for immediate consumption, and where all or part of the consumption occurs outside the confines of the building or off the premises.

DRY-CLEANING ESTABLISHMENT -- An establishment or business maintained for the pickup and delivery of articles for dry cleaning without the maintenance or operation of any dry cleaning equipment or machinery on the premises.

DRY-CLEANING PLANT — A business premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not limited to,

solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

**FOOD TRUCK** — A mobile food service operation located in a licensed motorized vehicle or a movable cart, stand, or trailer and from which food and beverages (pre-packaged or prepared and served from the vehicle or stand) are sold or distributed in individual portions to the general public directly from the food truck for consumption on or off of the premises.

**FORMULA BUSINESS** — Any use, whether a principal or accessory use, that has or is required by contractual, franchise or other legal arrangements to have, along with twenty or more other businesses located in the United States, the same primary business name, trademark or logo and two or more of the following: 1) distinctive exterior and/or interior signage, design and/or architecture; 2) the same or standardized uniforms; or 3) the same or an array of standardized services and/or merchandise. An agricultural support business shall not be included in the definition of a “formula business.”

**PET STORE** — A retail business principally engaged in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, and/or supplies, food, and services for such domestic animals. The term “domestic animal” shall exclude exotic animals and farm animals such as horses, goats, sheep, and poultry.

**§ 4.2. Section 143-4B of the Code is hereby amended by deleting the definition of “fast-food or drive-in restaurant.”**

**§ 4.3. Section 143-4B of the Code is hereby amended by deleting the definition of “Laundromat or Laundry, Self-Service” in its entirety and substituting in lieu thereof the following new definition of “Laundromat or Laundry, Self Service:”**

**LAUNDROMAT OR LAUNDRY, SELF-SERVICE** – A business premises equipped with individual clothes washing machines intended for principal use by retail customers.

**§ 4.4. Section 143-4B of the Code is hereby amended by deleting the definition of “Personal Service Business or Use” in its entirety and substituting in lieu thereof the following new definition of “Personal Service Business or Use:”**

**PERSONAL SERVICE BUSINESS OR USE** – An establishment primarily engaged in providing services involving the care of a person or a person's apparel, including but not limited to laundries, dry cleaning establishments, barber and beauty shops, tailor shops and exercise or dance studios.

**§ 4.5. Section 143-4B of the Code is hereby amended by deleting the definition of “restaurant” in its entirety and substituting in lieu thereof the following new definition of “restaurant:”**

RESTAURANT – An establishment licensed by the Dutchess County Health Department where food and drink is prepared, serviced, consumed and sold primarily within the principal building. The term "restaurant" shall not include any type of drive-in, drive-thru or drive-in window..

**SECTION 5. AMENDMENTS TO ARTICLE II OF THE ZONING LAW ENTITLED “ZONING DISTRICTS”**

**§ 5.1. Section 143-5A of the Code is hereby amended by deleting it in its entirety and substituting thereof the following new § 143-5A:**

For the purposes of this chapter, the Town of Red Hook hereby establishes and divides the unincorporated area of the Town into the following 14 zoning districts:

Waterfront Conservation	WC
Limited Development	LD
Rural Development 5	RD5
Rural Development 3	RD3
Residential 1.5	R1.5
Residential 1	R1
Hamlet	H
Hamlet Business	HB
Institutional	I
Business 1	B1
Business 2	B2
Light Industrial	LI
Agricultural Business	AB
Traditional Neighborhood Development, including three subdistricts:	TND
Residential Neighborhood	RN
Commercial Center	CC
Office-Industrial	OI

**§ 5.2. Section 143-6A of the Code is hereby amended by adding the following new subsection (14)**

- (14) The Hamlet Business (HB) District is intended to accommodate a mix of small-scale commercial uses consisting of retail, office, lodging, and personal services in the immediate vicinity of the Hamlet of Upper Red Hook. The Town seeks to ensure that the scale of these uses and their building and site design characteristics are compatible with the Town’s overall rural character and with the historic character of the Hamlet of Upper Red Hook. Through careful site plan

review, the Town will require the use of traditional building form and materials, introduction of suitably landscaped and maintained buffer areas, appropriate signage and lighting, and safe and functional access controls, pedestrian and vehicular linkages and parking layout.

**SECTION 6. AMENDMENTS TO ARTICLE III OF THE ZONING LAW ENTITLED “USE REGULATIONS”**

Section 143-11A of the Code is hereby amended by replacing the District Schedule of Use Regulations, attached to the existing Code as 143 Attachment 1, with an amended and restated “143 Attachment 1, District Schedule of Use Regulations,” annexed hereto as Attachment A.

**SECTION 7. AMENDMENTS TO ARTICLE IV OF THE ZONING LAW ENTITLED “AREA AND BULK REGULATIONS”**

**§ 8.1. Section 143-12A of the Code is hereby amended by replacing the District Schedule of Area and Bulk Regulations, attached to the existing Code as 143 Attachment 2 with an amended and restated “143 Attachment 2, District Schedule of Area and Bulk Regulations, annexed hereto as Attachment B.**

**§ 8.2. Section 143-18D of the Code is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new § 143-18D:**

Subsurface utility systems, which are accessory to a permitted or special permitted principal or accessory structure in the HB, B1, B2 and TND-CC Districts, may be located on the same lot as the related principal or accessory structure, whether or not the subsurface utility system lies within the same Zoning District as the related principal or accessory structure, and such subsurface utility systems shall not be taken into account for purposes of the limitations set forth in Subsections (3), (4), (6) or (7) of § 143-18A.

**SECTION 8. AMENDMENTS TO ARTICLE V OF THE ZONING LAW ENTITLED “SUPPLEMENTARY REGULATIONS”**

**§ 8.1. Section 143-27B(6) is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new § 143-27B(6):**

B (6). Not be internally illuminated if greater than eight square feet in area, with the exception of the HB District where no internally illuminated signs are permitted, nor contain luminous material, sequin-studded lettering or lettering with fluorescent paint.

**§ 8.2. Section 143-27D(5) is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new §§ 143-27D(5):**

D (5) Nonresidential uses in the Business 1 (B1), Business 2 (B2), Hamlet Business (HB), and Light Industrial (LI) Districts.

- (a) For nonresidential uses in the Business 1 (B1), Business 2 (B2), Hamlet Business (HB), and Light Industrial (LI) Districts, a freestanding identity sign not to exceed 24 square feet in surface area and/or one identity wall sign mounted to the surface of the building not to exceed one square foot per three linear feet of building frontage and/or two permanent accessory wall signs advertising products and/or services provided on the premises, each not to exceed four square feet in surface area shall be permitted. The maximum total signage per single-business premises shall be 60 square feet. In the HB District, freestanding signs shall not be permitted where the principal building is set back less than 20 feet from the front property line.
- (b) When two or more wholly independent businesses or activities are located on a single premises in a B1, B2, HB, or LI District but do not constitute a shopping center, office complex or light industrial park, as such terms are defined within § 143-4 of this chapter, one complex sign not to exceed 16 square feet shall also be allowed, except that if the number of independent businesses or activities exceeds four, the maximum square footage of the complex sign shall be increased to 24 square feet. A single identity wall sign not exceeding six square feet may additionally be provided for each business or activity, with such signs, however, being considered a portion of the maximum total signage of 60 square feet per premises, as cited above and exclusive of the complex sign.
- (c) Where the development on the premises exceeds a total of 20,000 square feet of gross floor area and meets all other definitional criteria established by this chapter so as to be considered a shopping center, office park or light industrial park, the maximum total signage on the premises shall be four square feet per 1,000 square feet of floor area, not to exceed 200 square feet, exclusive of the complex sign. In the case of a shopping center, office complex or light industrial park, the permitted square footage of the complex sign shall also increase to 40 square feet, and a single wall sign not exceeding 12 square feet may be provided for each business or activity.
- (d) If either of the above subsections is applicable to a single premises, it shall be the responsibility of the owner of the premises to submit to the Planning Board at the time of site plan review and approval, as set forth in Article VII of this chapter, a specific plan or schedule for the allocation of the maximum permissible signage between or among the businesses or activities tenant to the premises. Said plan or schedule shall be reviewed by the Planning Board and transmitted to the Zoning Enforcement Officer and shall, in combination with the standards set forth herein, serve as the

basis for the Zoning Enforcement Officer's consideration of applications for the issuance of individual sign permits within the business complex, shopping center, office park or light industrial park.

**§ 8.3. Section 143-37C is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new § 143-37C:**

C. Permitted locations.

- (1) Small solar energy systems. Small solar energy systems, as defined herein, are permitted in all zoning districts with the exception of ground-mounted systems, which are prohibited in the TND, H, HB, B1, and WC Zoning Districts. Small ground-mounted solar systems are permitted as principal and accessory uses, except within the HL-O Zoning District where ground-mounted solar systems are permitted only as accessory uses subject to special use permit review and approval in accordance with this section and Article VI.
- (2) Medium solar energy systems. Medium solar energy systems, as defined herein, are permitted in all zoning districts with the exception of ground-mounted systems which are prohibited in the TND, H, HB, B1, and WC Zoning Districts, subject to site plan review and approval in accordance with this section and Article VII of the Zoning Law. Medium ground-mounted solar systems are permitted as principal and accessory uses, except within the HL-O Zoning District where ground-mounted solar systems are permitted only as accessory uses subject to special use permit review and approval in accordance with this section and Article VI
- (3) Large solar energy systems. Large solar energy systems, as defined herein, are permitted in all zoning districts except for the TND, H, HB, B1, and WC, subject to review and approval of a special use permit in accordance with this section and Article VI of the Zoning Law. Large ground-mounted solar systems are permitted as principal and accessory uses, except within the HL-O Zoning District where ground-mounted solar systems are permitted only as accessory uses subject to special use permit review and approval in accordance with this section and Article VI. Farms that are within a New York State Agricultural District are generally exempt from the large solar energy system regulations found in this § 143-37, provided the solar energy system is considered "on-farm" equipment, designed, installed, and operated so that the anticipated annual total amount of electrical energy generated does not exceed the anticipated annual total electrical needs of the farm by more than 110%. Farms within a New York State Agricultural District that meet the "on-farm" equipment threshold of 110% shall comply with § 143-37E and shall obtain a waiver of site plan approval or site plan approval from the Planning Board.

**§ 8.4. Section 143-39.1 subd. (C)(2)(f) is hereby amended by inserting a new subdivision [14] to read as follows:**

[14] Food Truck. In the AB District, Food Trucks may be allowed as a temporary accessory use provided that this use is permitted subject to issuance of a valid food truck permit in accordance with Chapter 79 of the Town Code.

**§ 8.5. A new Section 143-39.1C(5) is hereby added to read as follows:**

(5) The following uses are expressly prohibited:

(a) Formula business

(b) Drive-in, Drive-thru or Drive-in window businesses.

**§ 8.6. Section 143-49.1 H(1)(a)[5][d] is hereby amended to read as follows:**

[d] Banks.

**§ 8.7. Section 143-49.1 H(1)(a)[5][e] is hereby amended to read as follows:**

[e] Restaurants and other places serving food and beverages.

**§ 8.8. Section 143-49.1H(1)(a)(5) regarding permitted uses in the Commercial Center Subdistrict is hereby amended by inserting a new subdivision [i] to read as follows:**

(i) Food Truck. Food Trucks, subject to issuance of a valid food truck permit in accordance with Chapter 79 of the Town Code.

**§ 8.9. Section 143-49.1H(1)(b) entitled “Special permitted uses” is hereby deleted in its entirety.**

**§ 8.10. Subsection (c) of § 143-49.1(H)(1), entitled “Accessory uses and home occupations,” is hereby renumbered as subsection (b).**

**§ 8.11. Section 143-49.1 H(1)(d) is hereby renumbered as subsection (c) and is amended to read as follows:**

(c) Drive-in, Drive-thru or Drive-in window businesses are prohibited.

**§ 8.12. A new § 143-49.1 H(1)(d) is hereby added to read as follows:**

(d) Formula businesses are prohibited.

**§ 8.13. Section 143-49.1, subd. (H)(3)(b) regarding accessory uses in the TND-IO subdistrict is hereby amended by inserting a new subdivision [3] to read as follows:**

[3] Food Truck. Food Trucks, subject to issuance of a valid food truck permit in accordance with Chapter 79 of the Town Code.

**§ 8.14. A new § 143-49.3 is hereby added to read as follows:**

**§ 143-49.3. Development within the Hamlet Business (HB) District.**

A. **Purposes.** In conformance with the Town of Red Hook Comprehensive Plan, the purposes of the Hamlet Business (HB) District are as follows:

- (1) To permit a variety of conveniently located retail, service, and office uses that are scaled to serve the day-to-day needs of local residents and do not generate significant traffic.
- (2) To provide small-scale lodging facilities that support the tourism industry in the Town.
- (3) To enhance the quality of the built environment and promote site layout and building design compatible with the setting, scale and architecture of the historic Hamlet of Upper Red Hook.
- (4) To promote orderly, attractive development of business clusters accessed by a limited number of curb cuts along Route 9 in order to minimize conflicts with through traffic and conserve the capacity of the roadway without the need for road widening. Curb cuts are to be minimized by encouraging vehicular and pedestrian linkages between business establishments on adjacent parcels.
- (5) To ensure that building size, building height, and lot coverage promote a scale and quality of new development that is architecturally compatible with the historic character of the Hamlet of Upper Red Hook.
- (6) To ensure that commercial uses are buffered from adjacent residential parcels with attractive landscaping.

B. **Site plan and special permit design standards.** The following design standards shall apply to all uses that require site plan and/or special use permit approval in the HB District and shall be in addition to the Site Plan Design Criteria found in § 143-116 and other requirements of the Town Code. In the event of any conflict, the provisions of this section shall take precedence over other sections of the Town Code.

- (1) The principal building on the site shall be located toward the front of the lot.
- (2) Parking shall be located to the side or rear of the principal building. No parking in a front yard shall be permitted.



- (3) In order to encourage safe and convenient traffic circulation, the Planning Board may require the interconnection of parking lots via access drives within and between adjacent parcels. The Planning Board shall require written assurances and/or deed restrictions, satisfactory to the Town Attorney, binding the owner and his/her heirs and assignees to permit and maintain such internal access and circulation and inter-use of parking facilities.
- (4) Driveways shall be shared with adjacent parcels whenever possible. Driveways should be placed at the edge of parcels to facilitate shared access points and reduce repetitive curb cuts. Curb cuts should be limited to one per parcel.
- (5) Facilities for pedestrians, such as sidewalks and walking paths, to facilitate pedestrian movement may be required within the site and to adjacent parcels where deemed appropriate by the Planning Board.
- (6) Existing vegetation shall be preserved as much as possible by minimizing clearing and grading in new developments. Existing large trees and other features, such as stone walls, shall be incorporated into the proposed site design to the maximum extent practicable.
- (7) Not less than 70 percent of the area between the front facade of the principal building and the public right-of-way shall be maintained with a combination of natural lawn, shrubs, trees and other plant materials and related ground covers. This area shall be included in the required minimum open space for the District.
- (8) Walls and fences shall be constructed of natural materials and be no more than three feet high in a front yard.
- (9) All open storage, as defined in § 143-4, and outdoor storage of materials, equipment, and temporary structures shall be located behind the principal building and fully enclosed from view from a public road by opaque fencing and shall be screened with fencing and/or landscaping from adjacent residential uses.
- (10) Proposed uses shall not have an adverse impact on the neighborhood due to hours of operation, noise or loitering, and shall not generate excessive dust, fumes, vapors, gases, smoke, odors, or hazardous conditions.
- (11) No use shall be permitted that presents physical hazard by reason of fire, explosion, radiation or other similar cause.

**C. Area and bulk regulations specific to the HB District.** In addition to the area and bulk regulations specified in §143-12 “District Schedule of Area and Bulk Regulations,” the following shall apply:

- (1) The maximum footprint of any new building shall be 2,500 square feet, and the maximum gross floor space for any new building shall be 5,000 square feet. –
- (2) A maximum of two (2) stories shall be permitted. Stories shall not exceed 14 feet

in height from the finished floor to finished ceiling and shall have a minimum height of 7 feet.

**D. Architectural standards.**

- (1) Upon receipt of a complete application for site plan and/or special use permit approval, the Planning Board shall refer the submission to the Design Review Committee for recommendation, which recommendation shall be returnable to the Planning Board within fifteen (15) days or by the next regularly scheduled Planning Board meeting, whichever is later.
- (2) To ensure that buildings enhance the local sense of place, buildings shall be either traditional in their architectural character, or be a contemporary expression of traditional styles and forms respecting the scale, proportion, character and materials of historic hamlet structures.
- (3) Franchise architecture, defined as a building design that is trademarked, branded or easily identified with a particular chain or corporation and is generic in nature, shall be prohibited .
- (4) A variety of architectural features and building materials is required to give each building or group of buildings a distinct character.
- (5) The exterior finish materials on all facades shall be limited to natural building materials such as brick, stone, stucco, wood and wood shingles. Smooth finish fiber cement siding is also permitted if it faithfully simulates the natural material and has equal or better weathering characteristics.
- (6) Buildings shall have sloped roofs, with the exception of nonresidential buildings, which may have mansard roofs or flat roofs with articulated parapets and cornices; in such cases, parapets shall be a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the Planning Board.
- (7) Mirrored, reflective or darkly tinted glass shall not be permitted.
- (8) Shopfront design shall be based upon historic examples in the Village of Red Hook. Windows shall be distributed in a more or less even manner consistent with the rhythm of voids and solids of historic buildings, and shall have low sills and high lintels consistent with the window proportions of historic buildings.
- (9) Primary entrances to shop fronts shall be emphasized through the use or architectural features such as roofs, recessions into the facade, pilasters or other details that express the importance of the entrance.
- (10) All mechanical equipment, whether roof- or ground-mounted, shall be completely screened from contiguous properties and adjacent streets in a manner that is compatible with the architectural treatment of the principal building.

**SECTION 9. AMENDMENTS TO ARTICLE VI OF THE ZONING LAW ENTITLED "SPECIAL PERMIT USES"**

**§ 9.1. Section 143-57 is hereby amended by deleting in its entirety and substituting in lieu thereof the following new § 143-57:**

**§ 143-57. Multifamily dwellings (new construction) in R1, HB, and B1 Districts.**

Multifamily dwellings (new construction) shall be allowed by special permit in R1, HB, and B1 Districts, provided that:

- A. The site design and building configuration requirements otherwise set forth for a residential cluster development in § 143-33 of this chapter shall be strictly applied in the layout of the multifamily dwelling premises.
- B. The number of permitted dwelling units may, at the discretion of the applicant, be based upon either the methodology set forth in said § 143-33 or alternately be established as nine bedrooms per net buildable acre, with the term "net buildable area" to be construed as excluding any portion of the proposed multifamily site that is designated as freshwater wetlands, under water or subject to periodic flooding.
- C. Adequate central water supply and common sewage disposal facilities shall be provided in full accordance with the requirements of the Town of Red Hook and the Dutchess County Department of Health.
- D. The maximum number of dwelling units within a multifamily development shall be 60, including one unit which shall be reserved for a resident manager in the case of any multifamily development in excess of 20 dwelling units.
- E. The maximum number of dwelling units within a single structure shall be six in the R-1 District and 12 in the HB and B1 Districts.

**§ 9.2. Section 143-59 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new § 143-59:**

**§ 143-59. Multifamily dwellings (conversion or adaptive reuse) in the R1.5, R1, HB, and B1 Districts.**

- A. The multifamily dwelling shall be created only through conversion of a one- or two-family dwelling or the adaptive reuse of a nonresidential structure legally existing on January 1, 1993.
- B. The number of dwelling units permitted on the lot shall not exceed the density otherwise applicable to single-family dwellings within the applicable zoning district in the case of the proposed conversion of an existing single- or two-family dwelling. In order to encourage the adaptive reuse of existing nonresidential structures, the permitted number of dwelling units within a multifamily dwelling created through adaptive reuse shall be based on the density standard of four bedrooms per net

buildable acre in the R1.5 District and on the standard of nine bedrooms per net buildable acre in the R1, HB, and B1 Districts.

- C. Adequate central water supply and common sewage disposal facilities shall be provided in full accordance with the requirements of the Town of Red Hook and the Dutchess County Department of Health, with sufficient engineering documentation provided to allow the Town and the Department to assess the adequacy of any existing facilities which are proposed for continued and expanded use.
- D. No individual multifamily structure shall contain more than four residential units in the R1.5 District or six residential units in either the R1, HB or B1 District.
- E. Not less than 50% of the land area on any multifamily lot shall be reserved and maintained as usable open space.
- F. Expansion of the existing one- or two-family dwelling to accommodate the additional dwelling units or expansion of the existing nonresidential structure shall be limited to a maximum of 500 square feet of gross floor area.
- G. All applicable requirements of the multiple-residence section of the New York State Uniform Fire Prevention and Building Code shall be strictly met.
- H. Off-street parking shall be provided in accordance with § 143-26 of this chapter.

**§ 9.3. Section 143-61 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new § 143-61:**

**§ 143-61. Boarding and rooming houses.**

Boardinghouses and rooming houses in H, I, HB and B1 Districts shall be allowed by special permit, provided that:

- A. The boardinghouse or rooming house is located on a single lot with lot area of no less than the minimum specified for the zoning district in Article IV or the District Schedule of Area and Bulk Regulations.
- B. In addition to parking required for the residence, at least one additional on-street parking space is provided for each room offered for rent.

**§ 9.4. Section 143-64 is hereby amended by deleting the first paragraph in its entirety substituting in lieu thereof the following new first paragraph:**

Accessory apartments shall be allowed by special permit within existing single-family dwellings in the AB, LD, RD5, RD3, R1.5, R1, H, I, HB, B1 and B2 Districts, provided that:

**§ 9.5. Section 143-66.1 is hereby deleted in its entirety.**

**§ 9.6. Section 143-67 is hereby amended by deleting subsection A (first paragraph) and subsection (1) and substituting in lieu thereof the following new subsection A (first paragraph) and subsection (1):**

A. Bed-and-breakfast establishments shall be allowed by special permit in the LD, RD5, RD3, H, I, HB and B1 Districts, provided that:

(1) The bed-and-breakfast establishment shall be created as an accessory use and a home occupation, as defined in § 143-4 of this chapter, through the conversion of a portion of a single-family dwelling, except for a property located in the H District fronting Route 9, where a bed-and-breakfast establishment shall additionally be allowed in an accessory building as a Class 2 home occupation.

**§ 9.7. Section 143-69 is hereby amended by deleting the first paragraph and substituting in lieu thereof the following new first paragraph:**

Home Occupations Class 2, occurring within a customary accessory building or requiring outdoor storage of materials or equipment used in connection with the home occupation on a residential premises, shall be allowed by special permit in the B1, AB, LD, RD5, RD3, and H Districts provided that:

**§ 9.8. Section 143-77 is hereby amended by deleting the first paragraph and substituting in lieu thereof the following new first paragraph:**

Child day-care centers, nursery schools or day nurseries shall be allowed by special permit in the LD, RD5, RD3, R1.5, R1, H, I, HB and B1 Districts, provided that:

**§ 9.9. Section 143-79 is hereby amended by deleting the first paragraph and substituting in lieu thereof the following new first paragraph:**

Cultural facilities (e.g., libraries, art galleries or museums) shall be allowed by special permit in the LD, H, I, and HB Districts, and museums and agricultural learning institutions shall be allowed in the AB District, provided that:

**§ 9.10. Section 143-89 is hereby amended by deleting the first paragraph and substituting in lieu thereof the following new first paragraph:**

Convenience stores, as defined in § 143-4 of this chapter, shall be allowed by special permit in the B1 and B2 Districts, provided that:

**§ 9.11. Section 143-90 is hereby amended by deleting it in its entirety and substituting thereof the following new § 143-90:**

**§ 143-90. Farmer's markets.**

Farmers' markets, as defined in § 143-4 of this chapter, shall be allowed by special permit in the AB, HB, B1, B2 and LI Districts, provided that:

- A. If the farmers' market involves the construction or use of permanent structures or other improvements, including parking surfaces and signage, all applicable standards of this chapter relating to a business use in the HB, B1, B2 or LI District, as applicable, shall be met, including compliance with the site plan review and approval procedure set forth in Article VII herein.
- B. If the farmers' market involves the use of temporary structures, such as tents or similar shelters, such structures may be erected only during periods of farmers' market activity and may be in place not more than 24 hours prior to or following such sales activity. The display of signage shall be restricted by the same time requirements and limited to on-site locations.
- C. In either case, the farmers' market site shall be maintained in a neat and orderly manner, and no outdoor or other storage of goods, vehicles, temporary structures, signage or other features shall occur on the site except in a wholly enclosed building.

**§ 9.12. Section 143-91 is hereby amended by deleting the first paragraph and substituting in lieu thereof the following new first paragraph:**

Gasoline stations or automobile service facilities shall be allowed by special permit in the B1 and B2 Districts, provided that:

**§ 9.13. Section 143-91 is hereby amended by deleting subsection B in its entirety and substituting in lieu thereof the following new subsection B:**

B. The area for use by motor vehicles, including display and storage, except access drives thereto, as well as any structures shall not encroach on any required yard area, with it further provided that no building shall be erected closer than 50 feet to any street or lot line or such greater dimension as is required within Article IV of this chapter.

**§ 9.14. Section 143-91 is hereby amended by deleting subsection I in its entirety.**

**§ 9.15. Section 143-91.1 is hereby amended by deleting it in its entirety.**

**§ 9.16. Section 143-92 is hereby amended by deleting the first paragraph and subsections A, B, and C in their entirety and substituting in lieu thereof the following new first paragraph and subsections A, B, and C:**

**§ 143-92. Lodging**

Lodging facilities shall be allowed by special permit in the AB, LD, HB, B1 and I Districts, provided that:

- A. A lodging facility shall be limited to a maximum of:
  - (1) Ten guestrooms in the AB District, unless lot frontage and access to the facility is provided from a state highway, in which case a lodging facility shall be limited to 16 guest rooms;
  - (2) Twenty-five guest rooms in the LD and I Districts, provided that lot frontage and access to the facility is provided from a state or county highway;
  - (3) Eight guest rooms per acre in the HB and B1 Districts, with a maximum of 25 guest rooms.
- B. The minimum lot area for a lodging facility established through adaptive reuse shall be five acres in the AB, LD and I Districts, and two acres in the HB and B1 Districts.
- C. The minimum lot area for construction of a new lodging facility in the AB, LD and I Districts shall be 15 acres, and two acres in the HB and B1 Districts.

**§ 9.17. Section 143-97, entitled “Fast-food or drive-in restaurants” is hereby deleted.**

**§ 9.18. Section 143-100 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new § 143-100:**

**§ 143-100. Theaters for performing arts.**

Theaters for the performing arts in the I and HB Districts shall be allowed by special permit, provided that:

- A. In the HB District, a theater for performing arts shall be limited to a maximum of 100 persons and shall be located on a site a minimum of 2 acres.
- B. In the I District, a facility designed for 1,000 or fewer persons may be located on a site of a minimum of 10 acres; a facility with a design capacity in excess of 1,000 persons shall have a minimum site area of 10 additional acres for each additional 500 persons accommodated.
- C. Access to the facility, if designed to accommodate more than 1,000 persons, shall be directly from a state highway. A county or Town roadway, other than a residential subdivision street, may provide suitable access to a facility for 1,000 or fewer persons, if such adequacy is demonstrated through a traffic study of

affected roadway links and intersections, including consideration of roadway capacity, sight distance and related factors.

- D. In the I District, all buildings and other structures, parking and outdoor activity areas, including amphitheater seating arrangements, shall have a minimum setback of 150 feet from any property line and 250 feet from any neighboring residence.
- E. Except as otherwise provided herein, all other requirements for development within the HB and I Districts, including but not limited to those requirements set forth in Article IV, the District Schedule of Area and Bulk Regulations and Article V, Supplementary Regulations, shall be strictly met.
- F. In its review of a special use permit application for the establishment of a theater for the performing arts, the Planning Board shall encourage proposals which contribute significantly to other Town land use and development objectives, including the preserving of historically and/or architecturally significant buildings through adaptive reuse or the long-term conservation of scenic and natural areas important to the community.

**§ 9.19. Section 143-109 is hereby amended by deleting the first paragraph and substituting in lieu thereof the following new first paragraph:**

Farm Market 2 in the LD, RD5, RD3, R1.5, HB, B1 and B2 Districts shall be allowed by special permit, provided that:

**SECTION 10. ADOPTION OF THE TOWN OF RED HOOK AMENDED ZONING DISTRICT MAP**

Section 143-7 of the Town of Red Hook Zoning Code entitled “Zoning District Map” is hereby amended by revising the Zoning District Map. The Zoning District Map prepared by the Dutchess County Department of Planning and Development dated April 2018 is hereby adopted and declared to be the Zoning District Map of the Town of Red Hook, and an appurtenant part of the Zoning Code of the Town.

**SECTION 11. SUPERSESION**

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York and is intended to supersede any provisions of the New York State Town Law, the Town of Red Hook Zoning Law and the General Municipal Law which are inconsistent with the provisions of this Local Law.

**SECTION 12. EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.



## **Attachment A**

**Town of Red Hook Zoning Chapter  
District Schedule of Use Regulations**

**ATTACHMENT A**

**Symbol:**

**P** = Permitted use in specified district

**SP** = Special use permit required for use in specified district

**X** = Prohibited use in specified district

**\*** = Site plan required

Structure/Land Use	Zoning District												Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1												
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB <sup>2</sup>	B1	B2	LI	
<b>RESIDENTIAL PRINCIPAL USES</b>													
Single-family dwelling (existing)	P	P	P	P	P	P	P	P	P	P	P	P	
Single-family dwelling (new construction or adaptive reuse)	SP*	P	P	P	P	P	P	SP*	X	X	X	X	§ 143-53
Two-family dwelling (new construction)	X	X	X	X	X	SP	SP	P	X	X	X	X	§ 143-54
Two-family dwelling (conversion)	X	SP	SP	SP	X	X	SP	SP	X	X	X	X	§ 143-55
Multifamily dwelling (new construction)	X	X	X	X	SP*	SP*	X	X	SP*	SP*	X	X	§§ 143-56 and 143-57
Multifamily dwelling (conversion or adaptive reuse)	X	SP*	SP*	SP*	SP*	SP*	X	SP*	SP*	SP*	X	X	§§ 143-58 and 143-59
Row or attached dwelling	X	X	X	X	X	SP*	SP*	X	X	X	X	X	
Mobile home on individual lot	X	X	X	X	X	X	X	X	X	X	X	X	
Mobile home park	X	X	X	X	X	SP*	X	X	X	SP*	X	X	§ 143-60
Boarding- or rooming house	X	X	X	X	X	X	SP	SP	SP	SP	X	X	§ 143-61
Community residence	X	P	P	P	P	P	P	P	X	X	X	X	
Elderly or senior citizen housing complex	X	X	X	X	SP*	SP*	X	X	X	SP*	X	x	§ 143-62
Enriched housing for the elderly	X	X	SP	SP	SP	SP	X	X	X	X	X	X	§ 143-63
Large solar energy system	X	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	SP*	§ 143-37
Medium solar energy system	P <sup>*1</sup>	P*	P*	P*	P*	P*	P <sup>*1</sup>	P*	P <sup>*1</sup>	P <sup>*1</sup>	P*	P*	§ 143-37
Small solar energy system	P <sup>1</sup>	P	P	P	P	P	P <sup>1</sup>	P	P <sup>1</sup>	P <sup>1</sup>	P	P	§ 143-37
<b>RESIDENTIAL ACCESSORY USES</b>													
Accessory apartment within single-family dwelling structure (new construction or conversion)	X	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	§§ 143-64 and 143-65
Accessory apartment within separate structure (adaptive reuse)	X	SP	SP	SP	X	X	X	SP	X	X	X	X	§§ 143-66
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	
Bed-and-breakfast establishment	X	SP	SP	SP	X	X	SP	SP	SP	SP	X	X	§ 143-67
Cottage on residential premises	X	SP	SP	SP	SP	SP	SP	X	X	X	X	X	§ 143-68

**Town of Red Hook Zoning Chapter  
District Schedule of Use Regulations**

**ATTACHMENT A**

Structure/Land Use	Zoning District												Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1												
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB <sup>2</sup>	B1	B2	LI	
Home occupation Class 1, occurring within dwelling unit	X	P	P	P	P	P	P	P	P	P	P	X	
Home occupation Class 2, occurring within customary accessory building on residential premises	X	SP	SP	SP	X	X	SP	X	SP	SP	SP	X	§ 143-69
Private airstrip or heliport	X	X	X	SP*	X	X	X	X	X	X	X	X	§ 143-70
Roadside stand	P	P	P	P	P	P	P	P	P	P	P	P	
Large solar energy system	X	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	SP*	§ 143-37
Medium solar energy system	P* <sup>1</sup>	P*	P*	P*	P*	P*	P* <sup>1</sup>	P*	P* <sup>1</sup>	P* <sup>1</sup>	P*	P*	§ 143-37
Small solar energy system	P <sup>1</sup>	P	P	P	P	P	P <sup>1</sup>	P	P <sup>1</sup>	P <sup>1</sup>	P	P	§ 143-37
Customary accessory use or structure incidental to the permitted or special permit use and located on the same lot, as defined in § 143-4 of this chapter	X	P	P	P	P	P	P	P	P	P	P	X	
<b>NONRESIDENTIAL PRINCIPAL USES (in addition to permissible home occupations and farm industries)</b>													
<b>Agricultural, Conservation and Open Space Uses</b>													
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	
Conservation use; nature and wildlife preserves, including environmental field station	P	P	P	P	P	P	P	P	P	P	P	P	
Farm	P	P	P	P	P	P	P	P	P	P	P	P	
Golf course and country club	X	X	P*	P*	P*	X	X	X	X	X	X	X	
Fishing club	SP*	SP*	SP*	SP*	X	X	X	X	X	X	X	X	§ 143-71
Hunting club	X	SP*	SP*	SP*	X	X	X	X	X	X	X	X	§ 143-71.1
Other forestry management uses	P	P	P	P	P	P	P	P	P	P	P	P	
Outdoor recreation facility, including uses such as skiing, skating, picnicking, and outdoor camping	SP*	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	X	SP*	§ 143-72
Public park and/or trail system	SP*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	
Timber harvesting	SP	SP	P	P	P	P	P	P	P	P	P	P	§ 143-73
Timber operation	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Community Services and Facilities; Institutional Uses</b>													
Alternate-care facility	X	X	X	X	X	X	X	SP*	X	X	X	X	§ 143-74
Congregate-care facility	X	X	X	X	SP*	SP*	X	X	X	X	X	X	§ 143-75
Cemetery, including mausoleum	X	X	SP*	SP*	X	X	SP*	SP*	X	X	X	X	§ 143-76

**Town of Red Hook Zoning Chapter  
District Schedule of Use Regulations**

**ATTACHMENT A**

Structure/Land Use	Zoning District												Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1												
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB <sup>2</sup>	B1	B2	LI	
Child day-care center	X	X	X	SP*	SP*	SP*	X	SP*	SP*	SP*	X	X	§ 143-77
Church or other place of religious worship, including meeting hall, parish house and similar facilities	X	X	SP*	SP*	SP*	SP*	SP*	SP*	P*	P*	X	X	§ 143-78
Cultural facility (e.g., library, art gallery or museum)	X	SP*	X	X	X	X	SP*	SP*	SP*	P*	X	X	§ 143-79
Day camp	X	SP*	SP*	SP*	X	X	X	SP*	X	X	X	X	§ 143-80
Educational campus	X	X	X	X	X	X	X	SP*	X	X	X	X	§ 143-81
Educational institution, including school for elementary, secondary education or higher education	X	X	X	SP*	X	X	X	SP*	X	X	X	X	§ 143-82
Family day-care or group family day-care facility	X	P*	P*	P*	P*	P*	P*	P*	X	X	X	X	
Fire station	X	X	X	P*	X	X	P*	X	X	P*	P*	X	
Government office and/or meeting hall	X	X	X	X	X	X	P*	X	P*	P*	P*	X	
Hospital	X	X	X	SP*	X	X	X	X	X	X	X	X	§ 143-83
Membership club	X	X	X	X	X	X	X	P*	X	P*	P*	X	
Nursery school or day nursery	X	X	X	SP*	SP*	SP*	X	SP*	SP*	SP*	SP*	X	See § 143-77.
Nursing home	X	X	X	X	X	SP*	X	SP*	X	X	X	X	§ 143-84
Post office	X	X	X	X	X	X	P*	P*	P*	P*	X	X	
Public transportation terminal	X	X	X	X	X	X	SP*	SP*	X	SP*	SP*	X	§ 143-85
<b>Business and Service Uses (in addition to permissible home occupations, farm industries and generally accepted agricultural and farm management practices)</b>													
Airport facility	X	X	X	SP*	X	X	X	X	X	X	X	X	§ 143-86
Bakery	X	X	X	X	X	X	X	X	P*	P*	X	X	
Bank	X	X	X	X	X	X	X	X	X	P*	X	X	
Bar, tavern or nightclub	X	X	X	X	X	X	X	X	X	P*	X	X	
Building material supply and sales; lumberyard	X	X	X	X	X	X	X	X	X	X	P*	X	
Business and/or professional office or establishment;	X	X	X	X	X	X	X	X	P*	P*	P*	X	
Commercial boarding and/or breeding kennel; animal hospital (unenclosed)	X	X	SP*	SP*	X	X	X	X	X	X	SP*	X	§ 143-87
Commercial nursery	X	X	X	X	X	X	X	X	X	P*	P*	X	

**Town of Red Hook Zoning Chapter  
District Schedule of Use Regulations**

**ATTACHMENT A**

Structure/Land Use	Zoning District												Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1												
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB <sup>2</sup>	B1	B2	LI	
Commercial amusement and recreation facility, including health club	X	X	X	X	X	X	X	X	X	P*	P*	X	
Conference center, including accessory dining and lodging facilities	X	SP*	X	X	X	X	X	SP*	X	X	X	SP*	§ 143-88
Convenience store	X	X	X	X	X	X	X	X	X	SP*	SP*	X	§ 143-89
Drive-in, drive-thru, or drive-in window	X	X	X	X	X	X	X	X	X	X	X	X	
Farmers' market	X	X	X	X	X	X	X	X	SP*	SP*	SP*	SP*	§ 143-90
Food or grocery store	X	X	X	X	X	X	X	X	P*	P*	X	X	
Food truck	X	X	X	X	X	X	X	P	P <sup>3</sup>	P	P	X	Chapter 79 <sup>4</sup>
Formula business	X	X	X	X	X	X	X	X	X	X	X	X	
Funeral home	X	X	X	X	X	X	X	X	X	P*	X	X	
Gasoline station; automobile service facility	X	X	X	X	X	X	X	X	X	SP*	SP*	X	§ 143-91
Health Spa	X	X	X	X	X	X	X	X	SP*	P*	X	X	
Lodging	X	SP*	X	X	X	X	X	SP*	SP*	SP*	X	X	§ 143-92
Medical or dental clinic	X	X	X	X	X	X	X	X	X	P*	P*	X	
Office building	X	X	X	X	X	X	X	X	X	P*	P*	X	
Office park	X	X	X	X	X	X	X	X	X	SP*	SP*	SP*	§ 143-94
Personal service use or establishment	X	X	X	X	X	X	X	X	P*	P*	X	X	
Recreational vehicle park	X	X	X	SP*	X	X	X	X	X	X	X	X	§ 143-95
Restaurant	X	X	X	SP*	X	X	X	X	P*	P*	X	X	§ 143-96
Retail business; store or specialty shop	X	X	X	X	X	X	X	X	P*	P*	X	X	
Riding academy; boarding stable	X	X	SP*	SP*	X	X	X	X	X	X	X	X	§ 143-98
School conducted for profit, including vocational training and specialized nonacademic instruction	X	X	X	X	X	X	X	X	X	P*	P*	P*	
Self-service laundry or laundromat	X	X	X	X	X	X	X	X	X	P*	P*	X	
Service business shop or office	X	X	X	X	X	X	X	X	X	P*	P*	X	
Shopping center	X	X	X	X	X	X	X	X	X	SP*	X	X	§ 143-99
Theater, movie (indoor)	X	X	X	X	X	X	X	X	X	P*	X	X	
Theater for performing arts	X	X	X	X	X	X	X	SP*	SP*	X	X	X	§ 143-100
Veterinarian's office; animal hospital (fully enclosed)	X	X	P*	P*	X	X	X	X	X	P*	P*	X	

**Town of Red Hook Zoning Chapter  
District Schedule of Use Regulations**

**ATTACHMENT A**

Structure/Land Use	Zoning District												Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1												
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB <sup>2</sup>	B1	B2	LI	
<b>Commercial and Light Industrial Uses (in addition to permissible home occupations, farm industries and generally accepted agricultural and farm management practices)</b>													
Automobile body shop	X	X	X	X	X	X	X	X	X	X	P*	X	
Automobile rental and/or sales establishment	X	X	X	X	X	X	X	X	X	P*	P*	X	
Bulk fuel storage and distribution	X	X	X	X	X	X	X	X	X	X	X	SP*	§ 143-101
Car wash	X	X	X	X	X	X	X	X	X	P*	P*	X	
Cold storage facilities	X	X	X	X	X	X	X	X	X	X	P*	P*	
Collecting the waters of a natural, free-flowing spring and operating an associated bottling works	X	X	X	SP*	X	X	X	X	X	X	X	SP*	§ 143-102
Commercial communications receiving and/or transmitting facility	X	X	X	SP*	X	X	X	X	X	X	X	X	§ 143-103
Contractor's yard or establishment	X	X	X	X	X	X	X	X	X	X	P*	X	
Dry-cleaning plant	X	X	X	X	X	X	X	X	X	X	X	X	
Equipment rental and/or sales, small household-related	X	X	X	X	X	X	X	X	P*	P*	P*	X	
Equipment rental and/or sales, heavy	X	X	X	X	X	X	X	X	X	X	P*	X	
Extractive operations, including soil mining	X	X	X	SP	X	X	X	X	X	X	X	X	§ 143-104
Junkyard; motor vehicle junkyard	X	X	X	X	X	X	X	X	X	X	X	X	
Landfill, construction and/or demolition	X	X	X	X	X	X	X	X	X	X	X	X	
Landfill, sanitary	X	X	X	X	X	X	X	X	X	X	X	X	
Light industrial park	X	X	X	X	X	X	X	X	X	X	SP*	SP*	§ 143-105
Light manufacturing or processing and associated office, warehousing and storage facility	X	X	X	X	X	X	X	X	X	X	P*	P*	
Large solar energy system	X	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	SP*	§ 143-37
Medium solar energy system	P* <sup>1</sup>	P*	P*	P*	P*	P*	P* <sup>1</sup>	P*	P* <sup>1</sup>	P* <sup>1</sup>	P*	P*	§ 143-37
Small solar energy system	P <sup>1</sup>	P	P	P	P	P	P <sup>1</sup>	P	P <sup>1</sup>	P <sup>1</sup>	P	P	§ 143-37
Public or franchise utility station	X	X	X	P*	X	X	X	P*	X	P*	P*	P*	

**Town of Red Hook Zoning Chapter  
District Schedule of Use Regulations**

**ATTACHMENT A**

Structure/Land Use	Zoning District												Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1												
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB <sup>2</sup>	B1	B2	LI	
Public or franchise utility garage and/or storage yard, including recycling center and/or transfer station	X	X	X	X	X	X	X	X	X	X	P*	X	
Repair and/or machine shop	X	X	X	X	X	X	X	X	X	X	P*	P*	
Research laboratory and related facilities	X	X	X	X	X	X	X	X	X	X	P*	P*	
Sawmill and related facilities	X	X	X	SP*	X	X	X	X	X	X	X	P*	§ 143-106
Warehousing independent of production facilities	X	X	X	X	X	X	X	X	X	X	P*	X	
Wholesale business or sales	X	X	X	X	X	X	X	X	X	X	P*	X	
<b>Waterfront Uses</b>													
Marinas, boat clubs, docks and boat ramps	SP*	SP*	X	X	X	X	SP*	SP*	X	X	X	X	§ 143-107
<b>NONRESIDENTIAL ACCESSORY USES</b>													
Single-family dwelling unit related to a principal institutional or business use and located on the same premises	X	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	§ 143-108
Composting facility accessory to farm	X	P	P	P	P	P	P	P	P	P	P	P	
Farm industry	X	P	P	P	P	P	X	P	P	P	P	X	
Farm market 1	X	P*	P*	P*	P*	P*	X	X	P*	P*	P*	X	
Farm market 2	X	SP*	SP*	SP*	SP*	X	X	X	P*	SP*	SP*	X	§ 143-109
Housing for farm principals and employees 1	X	P	P	P	P	X	X	P	X	X	X	X	
Housing for farm principals and employees 2	X	SP	SP	SP	SP	X	X	SP	X	X	X	X	§ 143-110
Private airstrip or heliport	X	X	X	SP*	X	X	X	X	X	X	X	X	See § 143-70.
Large solar energy system	X	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	SP*	§ 143-37
Medium solar energy system	P* <sup>1</sup>	P*	P*	P*	P*	P*	P* <sup>1</sup>	P*	P* <sup>1</sup>	P* <sup>1</sup>	P*	P*	§ 143-37
Small solar energy system	P <sup>1</sup>	P	P	P	P	P	P <sup>1</sup>	P	P <sup>1</sup>	P <sup>1</sup>	P	P	§ 143-37
Customary accessory use or structure incidental to the permitted or special permit use and located on the same lot, as defined in § 143-4 of this chapter	X	P	P	P	P	P	P	P	P	P	P	P	
<b>TEMPORARY USES</b>													
Carnival, fair, circus, flea market or similar event (off-premises)	X	X	X	X	X	X	X	P	X	P	X	X	
Carnival, fair, circus, flea market or similar event (on-premises)	X	P	P	P	P	P	P	P	X	P	P	X	

**Town of Red Hook Zoning Chapter  
District Schedule of Use Regulations**

**ATTACHMENT A**

Structure/Land Use	Zoning District												Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1												
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB <sup>2</sup>	B1	B2	LI	
Private garage or yard sale	X	P	P	P	P	P	P	P	P	P	P	X	
Temporary building for construction or development purposes	X	P	P	P	P	P	P	P	P	P	P	P	

Notes: <sup>1</sup> Ground-mounted Solar Energy Systems Prohibited.

<sup>2</sup> See § 143-49.3 for design standards for development within the HB District.

<sup>3</sup> Daily permit only.

<sup>4</sup> See § 79-7 for exceptions.



## **Attachment B**

Town of Red Hook Zoning Chapter  
District Schedule of Area and Bulk Regulations\*

Zoning District	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Frontage (feet)	Minimum Yards <sup>1</sup> (feet)			Maximum Height (feet)	Maximum Building Coverage (percent)	Minimum Open Space <sup>4</sup> (percent)
				Front <sup>2</sup>	Side <sup>3</sup>	Rear <sup>3</sup>			
Waterfront Conservation WC**	10 acres	500	300	100/60	75/50	75/50	35	3	90
Limited Development LD***	10	400	240	100/60	75/50	75/50	35	5	85
Rural Development RD 5***	5	300	200	75/50	50/25	50/25	35	5	80
Rural Development RD 3***	3	240	160	60/35	35/20	35/20	35	7	80
Residential R1.5***	1.5	180	135	50/25	20/10	25/15	35	10	70
Residential R1***	1.0	160	120	35/15	15/5 <sup>5</sup>	25/15	35	12	65
Hamlet H***									
Upper Red Hook Annandale and Barrytown	1.5 5	180 300	135 200	50/25 <sup>8</sup> 75/50 <sup>6</sup>	20/10 <sup>5</sup> 50/25 <sup>5</sup>	25/15 50/25	35 35	10 5	70 80
Institutional I**/****	10	400	320	100/60	50/25	50/25	35	5	75
Business 1 B1*****	1.0	150	120	80/40	20/10	50/25	35	15	40 <sup>7</sup>
Business 2 B2*****	1.5	200	160	80/40	20/10	50/25	35	20	35 <sup>7</sup>
Hamlet Business HB*****	1.0	150	120	40 <sup>8</sup>	20/10	50/25	35	15	50 <sup>7</sup>
Light Industrial LI*****	See § 143-49 of this chapter						35	10	40 <sup>7</sup>
Traditional Neighborhood Development	See § 143-49.1 of this chapter								
Agricultural Business District	See § 143-39.1 of this chapter							7	80

Notes applicable to District Schedule of Area and Bulk Regulations:

- \* All stated requirements are minimum requirements for compliance with the Town of Red Hook Zoning Chapter; greater minimum lot area, other increased lot dimensions and/or the provision of central water supply and common sewage facilities may be necessary to comply with minimum development standards under the Public Health Law and/or related law, rules and regulations of the Dutchess County Health Department and/or the New York State Departments of Health and Environmental Conservation.
- \*\* See § 143-53 of this chapter for additional special permit criteria applicable to residential uses in the WC and I Districts.
- \*\*\* Cited minimum lot area requirements apply to permitted single- or two-family dwellings and authorized accessory uses and structures; see Article V, of this chapter and/or special use permit standards (§ 143-52 et seq. of this chapter) for requirements which apply to certain other permitted residential use types and/or nonresidential uses permissible within the zoning district.
- \*\*\*\* Permitted residential dwellings in the I District subject to LD District standards if situated to the west of NYS Route 9G and RD3 District standards if situated elsewhere in the town. Also see prior note regarding supplementary regulations and special use permit standards.
- \*\*\*\*\* Permitted residential dwellings in the B1 and B2 Districts subject to R1 District standards. Also see prior note regarding supplementary regulations and special use permit standards.
- \*\*\*\*\* See § 143-49.3 for standards applicable to the HB District. Permitted residential dwellings in the HB District subject to R1 District standards. Also see prior note regarding supplementary regulations and special use permit standards.
- \*\*\*\*\* See § 143-49 for standards applicable to any LI District use and § 143-52 et seq. for additional standards applicable to certain special permit uses authorized within the LI District.

- 1 With the exception of the HB District, first figure is required minimum setback for principal structure; second figure is required minimum setback for off-street parking spaces and related accessways, except for driveways serving single-family or two-family dwellings. For the HB District, the figure is for the minimum setback for the principal structure; see § 143-49.3 of this chapter for required setback for off-street parking spaces.
- 2 See supplementary regulations (Article V of this chapter) for increased minimum front setbacks applicable to parcels that either front on user highways or are located within designated scenic areas.
- 3 Where side or rear yards abut land in a more restrictive zoning district, the side or rear yard requirement of the more restrictive zoning district applies. See § 143-22 of Article IV. In the HB District, the side yard setback shall be doubled if adjacent to a residential district.
- 4 Not less than forty percent (40%) of the required minimum open space associated with any nonresidential land use, as such is set forth in the District Schedule of Use Regulations, shall be provided between the front building line and the public right-of-way, except in the case of a corner lot where not less than fifty percent (50%) of the required minimum open space shall be so located. See § 143-49.3 for additional standards applicable to the HB District.
- 5 Side yard may be reduced to zero (0) feet in the R1 and H Districts to accommodate zero-lot line residential development.
- 6 Front yard may be reduced to twenty-five (25) feet in H District if consistent with established building setback on the contiguous parcels fronting the same street or roadway.
- 7 Pedestrian linkages to neighboring sites and establishments, as required by the Planning Board in its review and approval of a site plan pursuant to Article VII of this chapter, may be installed and maintained within that portion of the site designated as satisfying the minimum open space requirements.
- 8 Except for parcels with lot frontage on the west side of Route 9, where the minimum front yard setback for principal structures shall be 100 feet.

## **Attachment C**