

VILLAGE OF RED HOOK

LOCAL LAW NO. 1 OF THE YEAR 2014

A local law to amend the zoning law of the Village of Red Hook to incorporate the Village of Red Hook Pattern Book and Architectural Design Guidelines and to make other zoning changes

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

*Section 1.*

Legislative intent. The Village of Red Hook Pattern Book and Architectural Guidelines Committee has prepared a Pattern Book and Architectural Guidelines to guide future development in the Village. By resolution after public hearing the Village Board has incorporated the Pattern Book and Architectural Guidelines into the Village of Red Hook Comprehensive Plan. The purpose of these amendments is to incorporate the principles of the Pattern Book and Architectural Guidelines into the Zoning Law and to amend the Zoning Law to implement recommendations in the Pattern Book and to make other associated changes.

*Section 2.* Section 200-5 of the Code of the Village of Red Hook is hereby amended by the addition of the following new definitions.

Pattern Book – The Village of Red Hook Pattern Book and Architectural Guidelines, dated May 20, 2013, prepared by the Village of Red Hook Pattern Book and Architectural Guidelines Committee, and any subsequent editions of the same, a copy of which shall be available for purchase or for inspection at the office of the Village Clerk.

EV Charging Station – A parking space served by equipment which transfers power to the batteries on board an electric vehicle.

*Section 3.* Section 200-5 of the Zoning Law is hereby amended by deleting the definition for Drive-In Business and replacing it with the following new definition:

Drive-thru Window: A facility that permits customers to obtain goods and/or receive services while they remain in their vehicles.

*Section 4.* Section 200-10D(3) of the Code is hereby amended to read as follows:

3. Drive-thru Window subject to the provisions of § 200-22.

*Section 5.* Section 200-10E of the Code is hereby amended by deleting and replacing subsection (1) and (2) with the following new subsection (1), renumbering the following sections accordingly, and by inserting subsections (4) and (5) to read as follows:

- (1) Coverage. The maximum lot coverage permitted, by building area, shall be 65% of the lot.
- (2) Yards. All buildings and structures constructed on lots which abut nonbusiness districts shall be so located as to conform in respect to the abutting yard width with the side or rear yard requirements as the case may be for the district against which the lot abuts.
- (3) Corner lots. All buildings and structures built on corner lots shall conform to § 200-32.
- (4) Height. No building or structure shall exceed 45 feet in height or 3 ½ stories, whichever is less. The Planning Board may waive the maximum permitted height for church spires, antennas, civic buildings, and monuments.
- (5) Setback. There is no minimum setback. New structures shall be located as close to the street line as practical with adequate space provided for sidewalks, lighting, street trees and other public amenities. Where there is a significant difference between the setback of the new structure and the setback of an existing adjacent structure(s), the Planning Board may increase the setback of the new structure to maintain a continuous streetscape, but in no case beyond the existing setback of the adjacent structure. In no case shall the setback be increased to permit parking in the front yard.

*Section 6.* Subsection 200-14(E)(1)(e) is hereby deleted and subsection (f) is renumbered as subsection (e).

*Section 7.* Section 200-16A is hereby amended to read as follows:

- A. Requirement. Site plan approval by the Planning Board is required for all uses permitted in §200-10, General Business District (GB); §200-11, Highway Business District (HB); and 200-12, Industrial District (M), before issuance of a building permit for any external change in the aforementioned districts excluding signage, for all special permitted uses, and for maintenance of nonconforming uses as provided for by Article VI.

*Section 8.* The first paragraph in Section 200-16E is hereby amended to read as follows:

E. Design Guidelines. The recommendations in the Pattern Book and Architectural Design Guidelines and the following design guidelines enumerated below are applicable to all site plan approvals in the Village of Red Hook. The recommendations in the Pattern Book and the guidelines are adopted pursuant to Municipal Home Rule Law § 10, which authorizes a municipality to adopt local laws for the "protection and enhancement of its physical and visual environment." Similarly, General Municipal Law § 96-a authorizes local governments to adopt local laws regulating districts of "aesthetic interest or value," including "appropriate and reasonable control of the use or appearance of neighboring private property within public view or both." Village Law § 7-725-a

authorizes Village boards to require certain elements in site plans, including "screening, signs, landscaping, architectural features. . . as well as any additional elements."

*Section 9.* Subsection 5 of Section 200-16E is hereby amended by adding the following sentence to the end of the paragraph:

Landscaping shall be installed and maintained in a manner that does not obstruct vehicular sight distance.

*Section 10.* Subsection 8 of Section 200-16E is hereby amended to read as follows:

(8) Drainage Systems. Detailed drainage plans shall be provided. All submitted plans shall be in accordance with all applicable regulations, including the current NYSDEC Stormwater Management Design Manual and all best management practices. When required, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the Planning Board for review.

*Section 11.* Subsection (11) of Section 200-16E is hereby deleted.

*Section 12.* Section 200-22 is deleted and replaced with the following new Section to read as follows:

200-22. Drive-thru Windows.

A Drive-thru Window is permitted in the General Business District as a specially permitted accessory use, subject to approval by the Planning Board. A Drive-thru Window shall meet the special permit standards set forth in § 200-15 of the Zoning Law and the additional criteria set forth below:

1. A Drive-thru Window shall not be located on a lot of less than 1.5 acres.
2. The Drive-thru Window and queuing lane shall be located at the rear or side of the building that it serves, or, if on a corner lot, the sides of the building not facing the streets.
3. Any building extension to accommodate the Drive-thru Window shall be consistent with the architectural design of the structure.
4. Only one Drive-thru Window shall be permitted on a lot. Remote speaker posts or ordering locations are not permitted.
5. The Drive-thru Window shall be clearly secondary in nature to the primary use.
6. A minimum queuing of 6 vehicle spaces shall be provided for a Drive-thru Window. The proposed queuing shall not create a significant adverse impact on vehicular and pedestrian circulation within the site, including emergency vehicles, nor shall it impact vehicular or pedestrian circulation on any street. The Planning Board may require additional queuing spaces.

7. A bypass lane with a maximum width of 12 feet may be required by the Planning Board.
8. The Drive-thru Window shall be located a minimum of 50' from a street and/or intersection of streets.
9. The Drive-thru Window and all associated structures, lighting and signage shall maintain a minimum distance of 100' from a residential district.
10. Lighting for the Drive-thru Window shall not exceed any lighting standard set forth in the Village of Red Hook Zoning Law.
11. The noise associated with speakers / talk back devices shall not be audible from inside a structure across any real property boundary, where all exterior doors and windows are closed.
12. The hours of operation for a Drive-thru Window shall be reviewed and approved by the Planning Board, but shall in no case be earlier than 8:00 a.m. nor later than 10:00 p.m., except for a Drive-thru Window consisting of an automated teller machine.
13. A traffic study shall be required prior to the review and approval of a Drive-thru Window and the study must show that the addition of the Drive-thru Window shall not exceed the capacity of the ingress/egress of the site and will not negatively impact the streets that serve the site. The Planning Board may require that such study include an analysis of the number of required queuing spaces based on the proposed use.
14. The applicant shall mitigate to the extent practicable any negative impacts on pedestrian circulation due to the Drive-thru Window.
15. Any signage related to the Drive-thru Window shall be consistent with the Village of Red Hook Zoning Law.
16. The Planning Board may impose additional stipulations as deemed necessary.

*Section 13.* Section 200-29D is hereby amended to read as follows:

D. In connection with the review of any site plan application for a non-residential use, a landscaped buffer around the perimeter of the parking areas and travel lanes may be required.

*Section 14.* The following new subsection is inserted in Section 200-29 as subsection E, and all following subsections are renumbered accordingly.

E. Landscaping. Parking areas shall be designed and landscaped to avoid long, uninterrupted rows of vehicles. In parking lots of 20 or more spaces, 10% of the parking area shall be surfaced with landscaping, such as curbed planting islands, distributed throughout the lot and to be located at the discretion of the Planning Board. Trees bearing seed pods, fruit, nuts or other material that may damage parked cars or injure pedestrians are to be avoided. The Planning Board shall consider the standards for parking lot landscaping in Dutchess County Greenway Guides E-1 and E-3.

*Section 15.* A new subsection is added to Section 200-33A(1) to read as follows:

- a. ADA requirements. Parking areas shall comply with all applicable federal, state and local requirements of the Americans with Disabilities Act.

*Section 16.* A new subsection (2) is hereby inserted into 200-33A to read as follows and all subsequent sections are renumbered accordingly:

(2) Location. No parking shall be permitted in a front yard. Parking spaces located in the side yard shall be substantially screened from public view and shall be located behind the front building line. See Diagram 10 in Appendix A, Attachment 200c. One and two family residential structures are not subject to this provision.

*Section 17.* A new subsection (c) is hereby inserted in Section 200-33A(4) to read as follows:

(c) In order to encourage safe and convenient traffic circulation, the Planning Board may require that adjacent parking areas be connected to one another or to a service road or access drive wherever feasible. If such a connection cannot be made, the Planning Board may require the property owner to reserve areas on the site for future interconnection, in a manner approved by the Planning Board Attorney. For examples of interconnected parking lots, see Illustrated Sketch Plans 2 and 3.

*Section 18.* The following two new subsections are hereby inserted into the end of Section 200-33A.

(10) EV Parking. Two EV charging stations for customer use shall be provided in parking lots of 40 or more parking spaces. The EV charging stations shall count towards the total amount of required parking under § 200-33B and be used exclusively for EV Parking.

(11) Bicycle Parking. In parking lots of 20 or more parking spaces, a bicycle rack or racks shall be provided, capable of holding one bicycle for every 750 square feet of building space that the lot services. Each bicycle rack shall allow secure locking of the frame, be securely anchored to the ground, and resist rusting, cutting, bending or deformation. The Planning Board shall consider the visibility and convenience of the bicycle rack location and § 85-1 of the Village Code during site plan review.

*Section 19.* Section 200-33B(12) is hereby amended to read as follows:

12. Indoor retail or service business: parking or storage space for all vehicles used directly in the conduct of such use, plus one parking space for every 250 square feet of building area for retail uses and every 300 square feet for service business uses.

*Section 20.* Section 200-34A is hereby amended to read as follows:

A. General provisions. On the same premises, with every building or structure or part thereof hereafter erected and occupied for the purpose, there shall be provided and maintained adequate space for the parking of commercial vehicles while loading and unloading off the street or public alley or, if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the use of any street, alley or adjacent property. Off-street loading and unloading space shall be provided as set forth below at the time of erection of any building or structure and/or at the time any building or structure is enlarged or increased in capacity. Loading docks and storage areas shall be provided at the rear or side of the building. The Planning Board may require that loading docks be screened by walls, fencing, or landscaping as approved by the Planning Board. The Planning Board may require shared access to loading docks through the use of common loading zones or service roads of adjacent buildings. Truck traffic and loading operations shall not interfere with pedestrian and automobile traffic.

*Section 21.* A new Section 200-55, entitled, “Greenway Connections” is hereby inserted into the Zoning Law to read as follows:

200-55. The Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities, as amended from time to time, is adopted as a statement of land use policies, principles and guides. In its discretionary actions under this chapter, the reviewing agency shall be guided by said statement of policies, principles and guides. A copy of the Greenway Connections is available for inspection and copying in the office of the Village Clerk and available online.

*Section 22.* Diagrams A-I and K-CC in Attachment 200a the Code of the Village of Red Hook are hereby deleted in their entirety.

*Section 23.* The Village of Red Hook Illustrative Plan, the Red Hook Village Center Illustrative Sketch Plan and the Red Hook Traditional Neighborhood Extension Illustrative Sketch Plan, attached hereto as Exhibit “A” are hereby added as Attachment 200d of the Zoning Law.

*Section 24.* The Pattern Book and Architectural Design Guidelines, attached hereto as Exhibit “B”, is hereby added as Attachment 200e of the Zoning Law.

*Section 25.*

If any provision of this local law or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this local law or the application thereof to other persons and circumstances.

*Section 26. Repeal*

All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

*Section 27. Repeal of Moratorium*

The moratorium on application for, consideration, processing or approval of any application for site plan approval for any principal or specially permitted use in the Village, adopted by Local Law No. 4 of 2013, is hereby repealed.

*Section 28. Effective Date*

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