

Local Law Filing

NYS DEPARTMENT OF STATE
DIVISION OF CORPORATIONS, STATE RECORDS AND
UNIFORM COMMERCIAL CODE
ONE COMMERCE PLAZA, 99 WASHINGTON AVENUE
ALBANY, NY 12231.

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Red Hook

Local Law No. G-1 (Proposed) of 2021

A local law to establish a new Chapter 112 of the Code of the Town of Red Hook to be known as “Short-Term Rentals,” and to amend Chapter 143 of the Code of the Town of Red Hook, entitled “Zoning,” regarding short-term rentals and home occupations

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

SECTION 1. LEGISLATIVE INTENT.

The purpose of this law is to amend the Red Hook Town Code in order to regulate short term rentals. The law establishes new regulations regarding permits for short-term rentals and amends the Town of Red Hook Zoning Law in order to adequately regulate short-term rental uses.

The use of short-term rentals as an alternative to traditional lodging has increased in the nation and in the region in recent years, and many tourists now seek accommodations in short-term rentals via various website platforms. Short-term rentals can offer an alternative means of income for some property owners, but they also have the potential to adversely impact community character by allowing what are effectively lodging uses without permits or approvals and in buildings and in areas where lodging may not be permitted. The presence of short-term rentals can also lead to the reduction of affordable housing supply by removing dwelling units from the market and driving up demand for the limited remaining housing supply. This can result in fewer available units and increased prices or rents for those units.

This law will authorize certain short-term rental uses as a permitted use in the Town subject to certain conditions and approvals. This law will prohibit short-term rental uses in areas of the where they are incompatible with the existing uses and neighborhood characteristics. By limiting the type and location of short-term rentals, and by requiring them to undergo review and receive approval by Town authorities, this law addresses negative impacts associated with these uses and will promote public safety, health, and welfare. Requiring a permit for short-term rentals will discourage unsafe structures from being rented to transient visitors by requiring that they comply with applicable codes and implement certain safety measures.

SECTION 2. ADOPTION OF NEW CHAPTER 112, ENTITLED, “SHORT-TERM RENTALS.”

§ 2.1. A new chapter 112 is hereby inserted into the Code of the Town of Red Hook to read as follows:

Chapter 112. Short-Term Rentals

§ 112-1. Purpose

The purpose of this chapter is to regulate short-term rentals (STRs) within the Town of Red Hook in a manner that protects the public health, safety, and welfare. This chapter describes procedures for obtaining a permit for STRs and is intended to operate in conjunction with the regulations of Town of Red Hook Code Chapter 143, “Zoning.”

§ 112-2. Definitions

Terms used in this section shall have the meanings given in Chapter 143 of the Code.

§ 112-3. Annual Operating Permit, Application

- A. It shall be unlawful for any person to operate an STR including any hosted STR, un-hosted STR or farm stay STR within the Town of Red Hook without having obtained an annual operating permit for such purpose in accordance with the provisions of this chapter, and without having obtained requisite planning and zoning approvals under Chapter 143, Zoning, if any. A once per year exception is provided in § 112-4. Any applicable planning and zoning approvals must be granted prior to the issuance of an annual operating permit.
- B. Subject to the conditions set forth in this chapter, a property owner may obtain an annual operating permit where such use is permitted in the Zoning District by Chapter 143 subject to the conditions of Chapter 143.
- C. All annual operating permits shall expire on December 31 of the year in which they are issued, except that annual operating permits approved in 2022 shall expire December 31, 2023. A property owner may apply for renewal for the following calendar year within three months prior to the expiration date.
- D. Any person desiring to operate an STR shall make a written application for an annual operating permit to the Zoning Enforcement Officer. The application for an annual operating permit shall be made on forms provided by the Town of Red Hook and shall include the information required by this chapter and at least the following:
 - 1) Name, mailing address, phone number, and email address of property owner.
 - 2) Except for a farm stay STR, certification that the property is the owner’s primary residence.

- 3) Physical address and Tax Map ID number of the STR property and proof of ownership (current deed or latest property tax record).
- 4) The application shall state whether there are any home occupations (and whether Class 1 or Class 2) or accessory dwelling units located on the property.
- 5) Floor plan showing all bedrooms in the dwelling and identifying those to be used as an STR, indicating the square footage and ceiling height of bedroom(s) to be used as an STR and indicating location of two means of egress from each bedroom.
- 6) Number of bedrooms proposed to be rented.
- 7) Sketch map sufficient to show the location of all available off-street parking on the lot. (A single-family dwelling requires two (2) off-street parking spaces; each rented room of an STR requires an additional space.)
- 8) Certification that the STR contains a functioning smoke detector and two safe means of ingress/egress for each rented bedroom as well as a functioning CO detector and functioning fire extinguisher on each floor.
- 9) For any STR other than a hosted STR, a designated local contact if the property owner is not staying within 15 air miles of the Town of Red Hook at the time the property is rented or the name, address and telephone of the property owner's temporary lodging within 15 air miles. The local contact shall be a person 18 years of age or older and shall be able to respond to an emergency or complaint at the property in a timely manner, not to exceed one hour.
- 10) The application shall be signed by the property owner.
- 11) Payment of the applicable permit fee in accordance with the fee schedule established and periodically reviewed by resolution of the Town Board.

E. In addition to the application and information required pursuant to subdivision D above, an applicant for an annual operating permit shall provide the following documentation along with the application:

- 1) Hotel Occupancy Tax. For any renewal application, evidence of payment of the Hotel Occupancy Tax required by Dutchess County for the prior fiscal year shall be submitted.
- 2) Proof of Primary Residence: Primary residency shall be verified by one of the following:
 - a. Confirmation by the Assessor which may be based on the then current eligibility of the property for the STAR (School Tax Relief) property tax exemption or credit; or
 - b. Other satisfactory evidence that the property meets the primary residence criteria.
- 3) The Building Inspector shall verify that the property is consistent with the application including the requirements of Section 112-3(D)(5), (6), and (7).

§ 112-4. Registration of Once per Year Exception for Un-Hosted Registered STR

- A. In all zoning districts, as established by the Town of Red Hook Zoning Map in Chapter 143, property owners who have registered with the Town of Red Hook are permitted to rent out their primary residence as a registered STR a maximum of one (1) time per calendar year (for a period of fewer than 30 days) without an annual operating permit. The registered STR must comply with all other provisions of this Chapter, including the use regulations listed at § 112-5 and the Zoning Law.
- B. Only one such registration shall be permitted per calendar year per property. Registration is required each year the home is rented. An owner may not hold a registration under Section 112-4 and an annual operating permit under Section 112-3 at the same time.
- C. A property owner wishing to register under this section must submit an application with the information required at § 112-3(D) as well as the following:
 - 1) Dates the STR property will be rented.
 - 2) Maximum number of guests in total in the STR.

§ 112-5. STR Operating Standards and Supplemental Regulations. The following regulations apply to all STRs including those requiring an annual operating permit under § 112-3 and those requiring registration for the once per year exception under § 112-4.

- A. Only the owner of the property containing a proposed STR may apply for and operate an STR.
- B. Except for farm stay STRs, a property owner may only operate an STR on the parcel where their primary residence is located and may only operate an STR on one parcel in the Town.
- C. Annual operating permits for an STR and registrations for a registered STR are specific to the designated owner and property and cannot be transferred to other owners or properties.
- D. Neither an annual operating permit nor a registration shall be issued to any owner or for any property with an outstanding notice of violation under the Town of Red Hook Code, nor to any owner or property with a permit or registration that was suspended or revoked and remains uncured, or that was suspended or revoked two or more times during the two-year period preceding the year applied for.
- E. If the structure to be used as the STR is the subject of a pending building permit or does not have a current certificate of occupancy, the building inspector may require an inspection for compliance with applicable requirements of the NYS Uniform Fire Prevention and Building Code.
- F. The parking spaces required by the Zoning Law must be available for use by the short-term rental tenants.

- G. All STRs shall comply with all applicable provisions of the Town Code.
- H. The owner of an STR shall provide the permit or registration number of the STR, and the name and contact number of the property owner and (where required) the local contact (i) in any rental confirmation provided to a prospective occupant; (ii) in a written posting at the premises; (iii) in any advertising or listing; and (iv) to any adjacent landowner upon request.
- I. STR owners shall post a copy of the following in an open and conspicuous place in the rental unit that shall be readily visible to all guests:
- 1) STR Permit or Registration Number;
 - 2) A copy of Chapter 92 (Noise) of the Code.
 - 3) A safety/egress plan shall be posted in a visible location inside the STR and on the back of each bedroom door offered for rent.
 - 4) A property map (either a survey of the property or a tax map printed from Dutchess County Parcel Access) depicting property boundaries and notice to guests not to trespass on neighbors' property.
 - 5) Information identifying location of easily accessible solid waste and recycling facilities, and pickup date(s).
- J. Facilities to handle solid waste, including recycling, shall be made available to STR guests and shall be easily accessible, secure and screened from adjacent properties. Failure to adequately provide for and dispose of refuse shall be a violation of this chapter.
- K. Except for farm stay STRs, no STR may be rented more than an aggregate of 120 days per year. (This restriction is not applicable to registered STRs which are limited to a maximum of one (1) time per calendar year for a period of fewer than 30 days).
- L. Each STR owner shall be required to maintain a record of all STR rentals, which shall be available for inspection by the Zoning Enforcement Officer upon request. The record shall be a true and accurate record of the use of the STR and shall include the dates and total number of days rented, number of bedrooms rented, and number of guests. Each owner shall retain such records for at least three (3) years.
- M. Occupancy Taxes. The property owner shall be responsible for payment of the Hotel Occupancy Room Tax to Dutchess County either directly or through Airbnb or other platforms if applicable, and for collecting and remitting all applicable occupancy and sales taxes required by state law and/or County local law. Failure to pay all required taxes shall be a violation of this Chapter. The Town may transmit permit and registration information to Dutchess County for enforcement purposes.

§ 112-6. Enforcement and Administration

A. Violations. Any of the following shall constitute a violation of this chapter:

- 1) Failure to comply with any provision of this Chapter.
- 2) Advertising or listing an STR without a valid permit or registration, or without including the permit or registration number on the advertising or listing, or advertising or listing an STR for a greater occupancy than permitted.
- 3) Operation of an STR without a valid permit or registration or for a greater occupancy than permitted.
- 4) Failure to properly display a valid annual operating permit or registration or the required safety/egress plan, waste management plan, copy of Chapter 92 (Noise), and property map when required by Chapter 112.
- 5) Fraud or misrepresentation with respect to any information provided to the Town in connection with the STR application or its operation.
- 6) Violation of Chapter 92, Noise.
- 7) Activity at the property that creates a public nuisance, or otherwise constitutes a danger to the public health, safety, welfare or morals.

B. Suspension or Revocation of a Permit or Registration

- 1) A notice of violation may be issued by the Zoning Enforcement Officer or Building Inspector for any violation of Chapter 112. The notice of violation shall describe the violation and require the permit holder to immediately correct the violation or cause the violation to be corrected.
- 2) The notice of violation 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 STR.
- 3) Failure to correct the violation or cause the violation to be corrected shall be grounds for immediate suspension or revocation of the permit or registration.
- 4) A permit holder shall be entitled to request a hearing on suspension or revocation before the Town Supervisor or other hearing officer designated by the Supervisor, 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 hearing officer. The hearing officer shall hold a hearing to determine whether to reverse the suspension or revocation within 30 days of written request.
- 5) Notwithstanding the above, in the event the enforcement officer determines that the STR is unsafe and presents an immediate hazard to those on the premises, they may immediately suspend an annual operating permit or registration.

C. Enforcement

- 1) 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.

- 2) In addition to any administrative remedy, 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 [112](#) of the Code of the Town of Red Hook, entitled "Short Term Rentals," and to prosecute the violation in Town Court.

D. Penalties for offenses.

- 1) Violation of any provision or requirement of this chapter or violation of any statement, application, permit, or registration approved under the provisions of this chapter shall be considered an offense punishable by a fine of not more than \$350 and/or imprisonment for not more than six months for a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$350 nor more than \$700 and/or imprisonment for not more than six months; and upon conviction for a third or subsequent time within a period of five years, punishable by a fine of not less than \$700 nor more than \$1,000 and/or imprisonment for a period of not more than six months.
- 2) The owner, agent, or operator of a building, premises or part thereof where such violation has been committed or does exist and any agent, corporation or other person who commits, takes part or assists in such violation shall be individually liable for such an offense. All such penalties shall be collectible by and in the name of the Town. Each and every week that any such violation continues after notification that such violation exists shall constitute a separate chargeable offense. Such initial notice and subsequent weekly notice shall be given in accordance with § [112-B](#) herein.
- 3) Conviction of a violation of this chapter shall constitute and effect an immediate forfeiture of any permit or registration hereunder held by the person so convicted.
- 4) 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 3. AMENDMENTS TO ARTICLE I OF THE ZONING LAW, ENTITLED, "GENERAL PROVISIONS"

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

PRIMARY RESIDENCE – Primary residence shall be the domicile of the owner applicant. The property must be owned by the natural person or persons who occupy the home as their primary residence except that (i) if legal title to the property is held by one or more trustees, the beneficial owner or owners are considered to own the property for purposes of this exemption, (ii) a farm dwelling that is held in the name of a business corporation, limited liability company, or a partnership is eligible, provided such dwelling serves as the primary residence of a shareholder or one of the partners, and (iii) a married couple may receive a permit or registration for no more than one residence unless they are legally separated. No other form of ownership shall be eligible for a permit or registration under this chapter.

SHORT-TERM RENTAL (STR) – The accessory use of a structure whereby overnight accommodation is provided for transient occupancy for compensation, whether monetary or otherwise, for fewer than 30 consecutive days/nights. This term does not include boardinghouses or rooming houses. The following are types of short-term rentals:

- (1) FARM STAY STR – An STR, whether hosted or un-hosted, on property in the AB District and which may include an adjacent RD3 or RD5 parcel operated as part of the same farm subject to the conditions set forth in this chapter.
- (2) HOSTED STR – An STR where the property owner is present on the premises overnight with their guest(s).
- (3) REGISTERED STR – An un-hosted STR within a detached single-family dwelling which is the primary residence of the owner thereof, when used only once per year and registered in accordance with Chapter 112 of the Code.
- (4) UN-HOSTED STR – An STR where the property owner is not present on the premises overnight with their guest(s). This term includes house swaps, home exchange, or similar temporary use of a home. Un-hosted STR does not include a farm stay STR otherwise permitted by this Chapter.

§ 3.2. Section 143-4B of the Code is hereby amended by deleting the definition of “Bed-and-Breakfast Establishment” in its entirety.

§ 3.3. Section 143-4B of the Code is hereby amended by amending the definition of “Home Occupation” in its entirety to read as follows:

HOME OCCUPATION – Any limited personal service, professional service or business use customarily conducted within a dwelling or customary accessory building and carried on by the residents thereof, which is clearly incidental and secondary to the use of the premises for residential purposes and does not alter the residential character thereof, and which use shall be fully consistent with the use limitations stated in § 143-32 of this chapter. The term “home occupation” shall include the provision of day-care services for four or fewer children who are not residents of the dwelling. The term “home occupation” shall not include boardinghouses, rooming houses, or short-term rental as defined herein.

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

LODGING – One or more structures where overnight accommodation is provided for transient occupancy for compensation in accordance with § 143-92 of this Chapter, but excluding boardinghouses, rooming houses, and short-term rentals.

SECTION 4. AMENDMENTS TO ARTICLE III OF THE ZONING LAW ENTITLED “USE REGULATIONS”

§ 4.1. 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 5. AMENDMENT TO ARTICLE V OF THE ZONING LAW, ENTITLED, “SUPPLEMENTARY REGULATIONS”

§ 5.1. Section 143-26B(1)(a) of the Code is hereby amended by deleting the following text

“Boardinghouse or rooming house or bed- 1 per guestroom, plus required spaces for occupants
and-breakfast establishment of other dwelling units on premises;”

and inserting the following new language in its place:

“Boardinghouse or rooming house or short- 1 per guestroom, plus required spaces for occupants
term rental (but excluding registered STR) of other dwelling units on premises.”

§ 5.2. Article V (Supplementary Regulations) of Chapter 143 of the Code is hereby amended by inserting a new Section 143-32.1 to read as follows:

§ 143-32.1. Short-Term Rentals

Hosted STR and un-hosted STR uses are subject to the following regulations in addition to all other requirements of the Code.

- A. An STR is allowed only as an accessory use to a single-family detached dwelling. The single-family dwelling must be the primary residence of the property owner.
- B. A maximum of 2 guests are permitted per bedroom (children under 6 years of age shall not count towards this maximum).
- C. An STR shall not be permitted in addition to an accessory dwelling unit or Class 2 home occupation. Only one Class 1 home occupation is permitted on the same parcel as an STR.
- D. STRs are only permitted on a parcel that meets the minimum lot area specified for the District (even if the development is clustered).

- E. An STR shall only be used for overnight accommodations for transient residential occupancy. Activities other than residential occupancy (such as events, gatherings, luncheons, banquets, parties, weddings, meetings, or similar activities) are not permitted. No restaurant may be operated, and no meals may be prepared or served to guests other than to rental occupants of the STR. Meals served to permitted occupants of the STR as in a typical “bed and breakfast” are permitted.
- F. No recreational vehicle, bus, camping or travel trailer, or temporary housing, including but not limited to a tent or treehouse, shall be used as an STR. Outdoor storage of recreational vehicles, buses or trailers, including those driven by guests, shall be consistent with all applicable provisions of the Zoning Law, including but not limited to § 143-42 thereof.
- G. The STR shall not exceed the number of bedrooms that are shown in the approved certificate of occupancy or for preexisting occupied structures, the property tax record, or shall otherwise demonstrate compliance with all applicable requirements of the Dutchess County Sanitary Code including issuance of and compliance with any required approval or permit of the Dutchess County Department of Behavioral and Community Health regarding on-site sanitary sewage or water supply facilities.
- H. Off-street parking shall be provided in accordance with § 143-26 of this chapter and shall be located on the parcel on which the STR is located.
- I. A short-term rental shall be incidental and secondary to the use of the dwelling unit for residential purposes. It shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their residential premises, and does not alter the residential character of the property or the neighborhood. No alteration to either the exterior or the interior of any principal dwelling shall be made that changes the residential character and appearance of the premises.
- J. All STRs require an Annual Operating Permit from the Zoning Enforcement Officer pursuant to Chapter 112 of the Town Code prior to the commencement of the accessory use, with the exception of the registered STR which shall require registration in accordance with Chapter 112D.
- K. Other licensing requirements administered by the Dutchess County Department of Behavioral and Community Health applicable to bed-and-breakfast establishments as such term is used in the county code shall be satisfied.
- L. A hosted or un-hosted STR is permitted only for a maximum of four (4) bedrooms located within a detached single-family dwelling or an aggregate of not more than four (4) bedrooms a portion of which are located within a detached single-family dwelling and not more than two of which are located in an accessory dwelling unit located on the same parcel, subject to the requirements of § 143-32.1G. For a hosted

STR, at least one bedroom shall be retained for the exclusive use of the property owner(s).

§ 5.3. Section 143-39.1C(2)(f) of the Code is hereby amended by deleting the text of subsection [3] therein and inserting the following: “Reserved.”

§ 5.4. Section 143-39.1C(2) of the Code is hereby amended by inserting the following new subsections (l), (m) and (n) and redesignating the current subsection (l) as subsection (o), as follows:

(l) Farm stay STRs are permitted as an accessory use on a parcel within the AB Zoning District subject to the provisions of this subsection:

(i) A maximum of four (4) bedrooms located within or accessory to a primary residence, and an additional four (4) bedrooms in one or more accessory structures, up to an aggregate of eight (8) bedrooms may be permitted, subject to the same requirements set forth in § 143-32.1G.

(ii) A portion of the bedrooms permitted for a farm stay STR may be located on one or more parcels that are within the AB Zoning District, or on parcels within the RD3 or RD5 Zoning District that meet the minimum lot area specified for such RD3 or RD5 District (even if the development is clustered), and which parcel or parcels share a common boundary with the AB Zoning District parcel, and provided such farm stay STR is operated as part of the “farm” use as defined by this chapter which is conducted on the parcel in the AB Zoning District.

(iii) A farm stay STR is subject to the receipt of an annual operating permit pursuant to Chapter 112 of the Code.

(iv) A farm stay STR shall only be used for overnight accommodations for transient residential occupancy. Activities other than residential occupancy (such as events, gatherings, luncheons, banquets, parties, weddings, meetings, or similar activities) are not permitted as part of the STR. No restaurant may be operated, and no meals may be prepared or served to guests other than to rental occupants of the farm stay STR. No recreational vehicle, bus, camping or travel trailer, or temporary housing such as a tent or treehouse shall be used as a farm stay STR. Outdoor storage of recreational vehicles, buses or trailers, including those driven by guests, shall be consistent with all applicable- provisions of the Zoning Law, including but not limited to § 143-42 thereof.

(v) The farm stay STR shall not exceed the number of bedrooms that are shown in the approved certificate of occupancy or for preexisting occupied structures, the property tax record, or shall otherwise demonstrate compliance with all applicable requirements of the Dutchess County Sanitary Code including issuance of and compliance with any required approval or permit of the Dutchess County Department of Behavioral and Community Health regarding on-site sanitary sewage or water supply facilities.

(vi) Off-street parking, provided in accordance with § [143-26](#) of this chapter, shall be located on the parcel on which the farm stay STR is located.

(vii) A maximum of 2 guests are permitted per bedroom (children under 6 years of age shall not count towards this maximum).

(m) Registered STR once per year subject to registration pursuant to Chapter 112 of the Code.

- (n) Other uses customarily incidental to the permitted or special permitted use and located on the same lot.

§ 5.5. *Section 143-49.1H(1)(b) is hereby amended to read as follows:*

Accessory uses and home occupations. Accessory uses and Class 1 home occupations are permitted in conformance with § 143-32, excluding outdoor display or storage for commercial uses with the exception of a retail business, which may be permitted to have a temporary display of store merchandise on its sidewalk frontage during business hours as long as such display does not occupy the sidewalk. Hosted STRs are permitted accessory uses, subject to the provisions of § 143-32.1 (Short Term Rentals), and the receipt of an annual operating permit pursuant to Chapter 112 of the Code. Hosted STRs shall be exempt from site plan review. Un-hosted STRs are not permitted. Registered STRs are permitted only once per year subject to registration pursuant to Chapter 112 of the Code.

SECTION 6. AMENDMENT TO ARTICLE VI OF THE ZONING LAW, ENTITLED “SPECIAL PERMIT USES”

§ 6.1. *Section 143-67, Bed-and-breakfast establishments, is hereby deleted in its entirety.*

SECTION 7. AMENDMENT TO ARTICLE VIII OF THE ZONING LAW, ENTITLED “NONCONFORMING USES AND NONCOMPLYING STRUCTURES AND BULK”.

§ 7.1. *Section 143-127, Termination of certain uses and/or structures,* is hereby amended by inserting a new subsection F to read as follows:

- F. Any existing nonconforming bed and breakfast which is not a permitted use or special permitted use under this chapter shall be discontinued not later than two calendar years from the effective date of the adoption of this subsection.

SECTION 8. 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 9. EFFECTIVE DATE

This local law shall take effect six months following filing in the office of the Secretary of State of New York as provided by Section 27 of the Municipal Home Rule Law.

**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 ²	B1	B2	
RESIDENTIAL PRINCIPAL USES												
Single-family dwelling (existing)	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	§ 143-53
Two-family dwelling (new construction)	X	X	X	X	X	SP	SP	P	X	X	X	§ 143-54
Two-family dwelling (conversion)	X	SP	SP	SP	X	X	SP	SP	X	X	X	§ 143-55
Multifamily dwelling (new construction)	X	X	X	X	SP*	SP*	X	X	SP*	SP*	X	§§ 143-56 and 143-57
Multifamily dwelling (conversion or adaptive reuse)	X	SP*	SP*	SP*	SP*	SP*	X	SP*	SP*	SP*	X	§§ 143-58 and 143-59
Row or attached dwelling	X	X	X	X	X	SP*	SP*	X	X	X	X	
Mobile home on individual lot	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	§ 143-60
Boarding- or rooming house	X	X	X	X	X	X	SP	SP	SP	SP	X	§ 143-61
Community residence	X	P	P	P	P	P	P	P	X	X	X	
Elderly or senior citizen housing complex	X	X	X	X	SP*	SP*	X	X	X	SP*	X	§ 143-62
Enriched housing for the elderly	X	X	SP	SP	SP	SP	X	X	X	X	X	§ 143-63
Large solar energy system	X	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	§ 143-37

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

ATTACHMENT A

Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Medium solar energy system	P*1	P*	P*	P*	P*	P*	P*1	P*	P*1	P*1	P*	§ 143-37
Small solar energy system	P ¹	P	P	P	P	P	P ¹	P	P ¹	P ¹	P	§ 143-37
RESIDENTIAL ACCESSORY USES												
Accessory apartment within single-family dwelling structure (new construction or conversion)	X	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	§§ 143-64 and 143-65
Accessory apartment within separate structure (adaptive reuse)	X	SP	SP	SP	X	X	X	SP	X	X	X	§§ 143-66
Agriculture	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	SP	§ 143-67
Cottage on residential premises	X	SP	SP	SP	SP	SP	SP	X	X	X	X	§ 143-68
Home occupation Class 1, occurring within dwelling unit	PX	P	P	P	P	P	P	P	P	P	P	
Home occupation Class 2, occurring within customary accessory building on residential premises	X	SP	SP	SP	X	X	SP	X	SP	SP	SP	§ 143-69
Micro Hydropower Facility	SP*	X	X	X	X	X	X	X	X	X	X	§ 143-107.1
Private airstrip or heliport	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-70
Roadside stand	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*	§ 143-37
Medium solar energy system	P*1	P*	P*	P*	P*	P*	P*1	P*	P*1	P*1	P*	§ 143-37
Small solar energy system	P ¹	P	P	P	P	P	P ¹	P	P ¹	P ¹	P	§ 143-37

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Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
<u>STR Hosted</u>	X	P	P	P	X	X	X	P	P	P	P	§§ 143-32.1, 143-67
<u>STR -Un-hosted</u>	X	X P	P	P	X	X	X	X	X	X	X	§§ 143-32.1, 143-67
<u>STR Registered Un-Hosted (Annual Exception)</u>	P	P	P	P	P	P	P	P	P	P	P	§§ 143-32.1, 143-67
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	
NONRESIDENTIAL PRINCIPAL USES (in addition to permissible home occupations and farm industries)												
Agricultural, Conservation and Open Space Uses												
Agriculture	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	
Farm	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	
Fishing club	SP*	SP*	SP*	SP*	X	X	X	X	X	X	X	§ 143-71
Hunting club	X	SP*	SP*	SP*	X	X	X	X	X	X	X	§ 143-71.1
Large-scale commercial logging	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	§ 143-73
Small-scale commercial logging	P	P	P	P	P	P	P	P	P	P	P	§ 143-73
Outdoor recreation facility, including uses such as skiing, skating, picnicking, and outdoor camping	SP*	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	X	§ 143-72

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	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Public park and/or trail system	SP*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	
Timber operation	P	P	P	P	P	P	P	P	P	P	P	
Community Services and Facilities; Institutional Uses												
Alternate-care facility	X	X	X	X	X	X	X	SP*	X	X	X	§ 143-74
Congregate-care facility	X	X	X	X	SP*	SP*	X	X	X	X	X	§ 143-75
Cemetery, including mausoleum	X	X	SP*	SP*	X	X	SP*	SP*	X	X	X	§ 143-76
Child day-care center	X	X	X	SP*	SP*	SP*	X	SP*	SP*	SP*	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	§ 143-78
Cultural facility (e.g., library, art gallery or museum)	X	SP*	X	X	X	X	SP*	SP*	SP*	P*	X	§ 143-79
Day camp	X	SP*	SP*	SP*	X	X	X	SP*	X	X	X	§ 143-80
Educational campus	X	X	X	X	X	X	X	SP*	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	§ 143-82
Family day-care or group family day-care facility ³	X	P*	P*	P*	P*	P*	P*	P*	X	X	X	
Fire station	X	X	X	P*	X	X	P*	X	X	P*	P*	
Government office and/or meeting hall	X	X	X	X	X	X	P*	X	P*	P*	P*	
Hospital	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-83
Membership club	X	X	X	X	X	X	X	P*	X	P*	P*	

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Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Nursery school or day nursery	X	X	X	SP*	SP*	SP*	X	SP*	SP*	SP*	SP*	§ 143-77
Nursing home	X	X	X	X	X	SP*	X	SP*	X	X	X	§ 143-84
Post office	X	X	X	X	X	X	P*	P*	P*	P*	X	
Public transportation terminal	X	X	X	X	X	X	SP*	SP*	X	SP*	SP*	§ 143-85
Business and Service Uses (in addition to permissible home occupations, farm industries and generally accepted agricultural and farm management practices)												
Airport facility	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-86
Bakery	X	X	X	X	X	X	X	X	P*	P*	X	
Bank	X	X	X	X	X	X	X	X	X	P*	X	
Bar, tavern or nightclub	X	X	X	X	X	X	X	X	X	P*	X	
Building material supply and sales; lumberyard	X	X	X	X	X	X	X	X	X	X	P*	
Business and/or professional office or establishment;	X	X	X	X	X	X	X	X	P*	P*	P*	
Commercial boarding and/or breeding kennel; animal hospital (unenclosed)	X	X	SP*	SP*	X	X	X	X	X	X	SP*	§ 143-87
Commercial nursery	X	X	X	X	X	X	X	X	X	P*	P*	
Commercial amusement and recreation facility, including health club	X	X	X	X	X	X	X	X	X	P*	P*	
Conference center, including accessory dining and lodging facilities	X	SP*	X	X	X	X	X	SP*	X	X	X	§ 143-88
Convenience store	X	X	X	X	X	X	X	X	X	SP*	SP*	§ 143-89

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	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Drive-in, drive-thru, or drive-in window	X	X	X	X	X	X	X	X	X	X	X	
Farmers' market	X	X	X	X	X	X	X	X	SP*	SP*	SP*	§ 143-90
Food or grocery store	X	X	X	X	X	X	X	X	P*	P*	X	
Food truck	X	X	X	X	X	X	X	P	P ⁴	P	P	Chapter 79 ⁵
Formula business	X	X	X	X	X	X	X	X	X	X	X	
Funeral home	X	X	X	X	X	X	X	X	X	P*	X	
Gasoline station; automobile service facility	X	X	X	X	X	X	X	X	X	SP*	SP*	§ 143-91
Health Spa	X	X	X	X	X	X	X	X	SP*	P*	X	
Lodging	X	SP*	X	X	X	X	X	SP*	SP*	SP*	X	§ 143-92
Medical or dental clinic	X	X	X	X	X	X	X	X	X	P*	P*	
Office building	X	X	X	X	X	X	X	X	X	P*	P*	
Office park	X	X	X	X	X	X	X	X	X	SP*	SP*	§ 143-94
Personal service use or establishment	X	X	X	X	X	X	X	X	P*	P*	X	
Recreational vehicle park	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-95
Restaurant	X	X	X	SP*	X	X	X	X	P*	P*	X	§ 143-96
Retail business; store or specialty shop	X	X	X	X	X	X	X	X	P*	P*	X	
Riding academy; boarding stable	X	X	SP*	SP*	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*	
Self-service laundry or laundromat	X	X	X	X	X	X	X	X	X	P*	P*	

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Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Service business shop or office	X	X	X	X	X	X	X	X	X	P*	P*	
Shopping center	X	X	X	X	X	X	X	X	X	SP*	X	§ 143-99
Theater, movie (indoor)	X	X	X	X	X	X	X	X	X	P*	X	
Theater for performing arts	X	X	X	X	X	X	X	SP*	SP*	X	X	§ 143-100
Veterinarian's office; animal hospital (fully enclosed)	X	X	P*	P*	X	X	X	X	X	P*	P*	
Commercial and Light Industrial Uses (in addition to permissible home occupations, farm industries and generally accepted agricultural and farm management practices)												
Automobile body shop	X	X	X	X	X	X	X	X	X	X	P*	
Automobile rental and/or sales establishment	X	X	X	X	X	X	X	X	X	P*	P*	
Bulk fuel storage and distribution	X	X	X	X	X	X	X	X	X	X	X	
Car wash	X	X	X	X	X	X	X	X	X	P*	P*	
Cold storage facilities	X	X	X	X	X	X	X	X	X	X	P*	
Collecting the waters of a natural, free-flowing spring and operating an associated bottling works	X	X	X	X	X	X	X	X	X	X	X	
Commercial communications receiving and/or transmitting facility	X	X	X	SP*	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*	
Dry-cleaning plant	X	X	X	X	X	X	X	X	X	X	X	

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	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Equipment rental and/or sales, small household-related	X	X	X	X	X	X	X	X	P*	P*	P*	
Equipment rental and/or sales, heavy	X	X	X	X	X	X	X	X	X	X	P*	
Extractive operations, including soil mining	X	X	X	SP	X	X	X	X	X	X	X	§ 143-104
Junkyard; motor vehicle junkyard	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	
Landfill, sanitary	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*	§ 143-105
Light manufacturing or processing and associated office, warehousing and storage facility	X	X	X	X	X	X	X	X	X	X	P*	
Large solar energy system	X	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	§ 143-37
Medium solar energy system	P* ¹	P*	P*	P*	P*	P*	P* ¹	P*	P* ¹	P* ¹	P*	§ 143-37
Small solar energy system	P ¹	P	P	P	P	P	P ¹	P	P ¹	P ¹	P	§ 143-37
Micro Hydropower Facility	SP*	X	X	X	X	X	X	X	X	X	X	§ 143-107.1
Public or franchise utility station	X	X	X	P*	X	X	X	P*	X	P*	P*	
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*	
Repair and/or machine shop	X	X	X	X	X	X	X	X	X	X	P*	
Research laboratory and related facilities	X	X	X	X	X	X	X	X	X	X	P*	

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	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Sawmill and related facilities	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-106
Warehousing independent of production facilities	X	X	X	X	X	X	X	X	X	X	X	P*
Wholesale business or sales	X	X	X	X	X	X	X	X	X	X	X	P*
Waterfront Uses												
Marinas, boat clubs, docks and boat ramps	SP*	SP*	X	X	X	X	SP*	SP*	X	X	X	§ 143-107
NONRESIDENTIAL ACCESSORY USES												
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	§ 143-108
Composting facility accessory to farm	X	P	P	P	P	P	P	P	P	P	P	
Farm industry	X	P	P	P	P	P	X	P	P	P	P	
Farm market 1	X	P*	P*	P*	P*	P*	X	X	P*	P*	P*	
Farm market 2	X	SP*	SP*	SP*	SP*	X	X	X	P*	SP*	SP*	§ 143-109
Housing for farm principals and employees 1	X	P	P	P	P	X	X	P	X	X	X	
Housing for farm principals and employees 2	X	SP	SP	SP	SP	X	X	SP	X	X	X	§ 143-110
Micro Hydropower Facility	SP*	X	X	X	X	X	X	X	X	X	X	§ 143-107.1
Private airstrip or heliport	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-70
Large solar energy system	X	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	§ 143-37
Medium solar energy system	P*1	P*	P*	P*	P*	P*	P*1	P*	P*1	P*1	P*	§ 143-37

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	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Small solar energy system	P ¹	P	P	P	P	P	P ¹	P	P ¹	P ¹	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	
TEMPORARY USES												
Carnival, fair, circus, flea market or similar event (off-premises)	X	X	X	X	X	X	X	P	X	P	X	
Carnival, fair, circus, flea market or similar event (on-premises)	X	P	P	P	P	P	P	P	X	P	P	
Private garage or yard sale	X	P	P	P	P	P	P	P	P	P	P	
Temporary building for construction or development purposes	X	P	P	P	P	P	P	P	P	P	P	

Notes:

¹ Ground-mounted Solar Energy Systems Prohibited.

² See § 143-49.3 for design standards for development within the HB District.

³ Except that within a single family or two family residence or apartment that is permitted in the zoning district or lawfully existing as a nonconforming use, a family day care or group family day care, as defined in Section 390 of the Social Services Law, is permitted as an accessory use where licensed, operated and maintained in accordance with applicable laws and regulations including Section 390 of the Social Services Law of the State of New York and in conformance with applicable building codes.

⁴ Daily permit only.

⁵ See § 79-7 for exceptions.