

§ 200-12. Neighborhood Mixed Use District (NMU). [Amended 3-8-2004 by L.L. No. 1-2004; 2-7-2005 by L.L. No. 1-2005]

The land uses most appropriate in this mixed use district are residential and commercial uses. The commercial uses should be designed to service primarily the adjacent residential neighborhood and secondarily the Village. Such uses should supplement the commercial uses on South Broadway and Market Streets. All development to the district should be pedestrian friendly, with sidewalks and, where practical, a street facade consistent with the scale and appearance of the nearby Village streets and structures. Mixed uses may occur on adjacent lots or within a single lot or building such as residential use of the upper floor with commercial use on the first floor.

- A. Site plan approval. All new uses and changes of use in this district, except new one-family and two-family dwellings, shall be subject to site plan approval as provided by § 200-16. The design guidelines in § 200-16 will be applicable to all such site plan approvals to assure that the district maintains a traditional neighborhood appearance consistent with adjacent areas of the Village.
- B. Permitted principal uses, buildings and other structures shall be as follows:
 - (1) Residential.
 - (a) Dwellings, one-family.
 - (b) Dwellings, two-family.
 - (c) Dwellings, multifamily, maximum of six dwelling units per structure, subject to the provisions of § 200-31. **[Amended 2-14-2022 by L.L. No. 2-2022]**
 - (d) Townhouses, subject to the provisions of § 200-12I.
 - (e) Senior housing, subject to the provisions of § 200-12G.
 - (f) Live-work unit.
 - (2) Municipal.
 - (a) Municipal parks and recreational facilities.
 - (b) Civic buildings.
 - (c) Municipal monuments.
 - (d) Municipal utilities. **[Added 9-12-2016 by L.L. No. 4-2016]**
 - (3) Commercial.
 - (a) Bed-and-breakfasts.
 - (b) Clinics, medical and dental.
 - (c) Dry cleaners — no dry cleaning performed on site.
 - (d) Family day-care facilities.

- (e) Health and fitness clubs.
- (f) Laundries.
- (g) Membership clubs.
- (h) Neighborhood groceries, delis and green grocers.
- (i) Child-care facility. **[Amended 8-14-2023 by L.L. No. 3-2023]**
- (j) Personal service businesses.
- (k) Pet grooming and pet stores.
- (l) Professional offices.
- (m) Restaurants, not including fast-food facilities.
- (n) Retail, general.
- (o) Shoe stores, shoe repairs.
- (p) Studies for training in art, music, dance.

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

- (1) Accessory buildings and structures customarily associated with the principal permitted use.
- (2) Accessory dwelling, subject to the requirements of § 200-19. **[Amended 2-14-2022 by L.L. No. 2-2022]**
- (3) Apartment, subject to the requirements of § 200-31. **[Added 2-14-2022 by L.L. No. 2-2022¹]**
- (4) Off-street parking for commercial vehicles while loading and unloading, as required by § 200-34.
- (5) Off-street parking as required by § 200-33.
- (6) Signs as permitted by § 200-38.
- (7) Temporary structures as permitted by § 200-41.
- (8) In a one-family dwelling, the keeping of not more than two boarders.
- (9) In the rear or side yard of a one-family or two-family dwelling, outdoor storage of not more than two of the following: boat, boat trailer, camp trailer or cargo trailer, any of which shall be only for personal use by a resident on the premises.
- (10) In the rear or side yard of a one-family or two-family dwelling, a private garage not to exceed two bays or open parking for vehicles owned by a person residing in or visiting

1. Editor's Note: This local law also redesignated former Subsection C(3) through (11) as Subsection C(4) through (12), respectively.

the premises.

(11) In the rear or side yard of a one-family or two-family dwelling, a playhouse with a maximum size side yard and the required type of foundation, or a shed.

(12) EV charging stations. **[Added 7-13-2015 by L.L. No. 1-2015]**

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

(1) Carnivals, circuses and fairs, subject to the provisions of § 200-25.

(2) Satellite dish antennas, subject to the provisions of § 200-37.²

E. Area, yard, coverage, height and bulk requirements.

(1) No building or structure shall exceed 35 feet in height or 2 1/2 stories, whichever is less, except for church spires, civic buildings and monuments.

(2) The maximum coverage of a lot shall be 40%.

(3) The build-to line should conform, first to existing front yard setbacks established by the adjacent buildings of the particular street (immediate context). The minimum setback is to take into account a planting strip, planting space for street trees, streetlighting and sidewalks.

(4) Commercial properties and/or mixed use residential/commercial properties are to conform to existing setbacks of adjacent properties and/or average setbacks of structures to encourage a unified line of facades.

(5) All buildings and structures constructed on lots that abut nonbusiness districts shall be so located as to conform to the abutting district side yard and rear yard requirements.

(6) The minimum lot size is 10,000 square feet.

(7) All buildings and structures built on corner lots shall conform to § 200-32.

(8) The maximum footprint for any structure on any lot is 2,000 square feet, and the maximum gross floor space for any structure is 4,000 square feet, provided that no more than two mixed use structures on one lot, each of which is subject to the foregoing maximums, may be connected by a connector, which connector shall not exceed a footprint of 500 square feet and floor space of 1,000 square feet.

(9) The area of a mixed use building dedicated to residential use shall have a minimum of 600 square feet.

(10) The foregoing bulk requirements shall not apply to senior housing developments pursuant to § 200-12G or townhouse developments pursuant to § 200-12I.

F. Parking. In addition to the parking requirements in § 200-33, the following parking

2. Editor's Note: Former Subsection D(3), regarding commercial day-care facilities, which immediately followed, was repealed 8-14-2023 by L.L. No. 3-2023.

requirements and guidelines shall apply in this district:

- (1) To reduce conflicts between pedestrian and vehicular circulation, curb cuts shall be minimized, where feasible, by the use of alleys for vehicular ingress and egress and by combining adjacent parking areas. See § 200-33A(4)(a) and (b) for additional detail.
- (2) Adjacent parking areas may be combined to minimize the total amount of parking needed in each parking area to serve two or more businesses. See § 200-33A(4)(a) and (b) for additional detail.
- (3) Alleys with a maximum width of 15 feet are encouraged for access to parking lots behind buildings with multiple uses and for access to garages behind narrow lots and attached residences.
- (4) Parking may be provided between buildings when parking is screened from public thoroughfares by architectural elements and/or landscaping.
- (5) The Planning Board may require architectural drawings and landscaping plans as part of the site plan to assist in its review of parking.
- (6) When parking requirements of § 200-33 are not feasible, alternative parking layouts may be considered and approved by the Planning Board, if they are consistent with the purposes and requirements of the district.

G. Senior housing. There is an increasing demand by persons of or nearing retirement age for dwelling accommodations in a developed, separate residential section inhabited by persons in similar circumstances and which have been designed and developed for such age group. Senior housing communities contribute to the dignity, independence and meaningful activity of older persons.

- (1) The bulk regulations for a senior housing project are as follows:
 - (a) Maximum density: 20 beds per acre, 300 beds per senior housing building, and four occupants per dwelling unit.
 - (b) Maximum height: 35 feet or 2 1/2 stories, whichever is less.
 - (c) Minimum side yard: 20 feet.
 - (d) Minimum rear yard: 50 feet.
 - (e) Minimum front yard: See provisions of § 200-12E(3).
- (2) Accessory uses, structures or facilities are permitted for:
 - (a) Health care.
 - (b) Indoor and outdoor recreation, including, but not limited to, game rooms, saunas, spas and exercise/workout room.
 - (c) Living and dining areas for common use of residents.
 - (d) Central kitchens for food served in dining areas or distribution to individual

dwelling units, but not to be used by residents for preparation of individual meals.

- (e) Off-street and on-site parking areas for cars shall provide 0.5 spaces for each seniors unit plus one visitor for every four seniors units. The parking area shall not be located more than 200 feet from the entrance to the dwelling unit it is designed to serve.
 - (f) Personal service establishments, including, but not limited to, hair salon and laundry facilities.
 - (g) Religious services.
 - (h) Medical clinic.
 - (i) Library.
- (3) All dwelling units and accessory units shall be occupied or used solely by:
- (a) Single individuals 55 years of age or older;
 - (b) Married couples, at least one of whom is 55 years of age or older.
- (4) Usable open space for recreational uses, appropriate in location, nature and size, shall be provided at the rate of at least 200 square feet per dwelling unit. If, in the Village Planning Board's opinion, due to topography, ecological reasons, historical interest or any other unique conditions, additional open space should be preserved, such lands shall be set aside as open space and be so designated on the site plan.
- (5) All senior housing units shall be rented or leased. Each occupant shall certify in writing that the unit is for his/her primary residence. No subleases shall be permitted. Each developer of senior housing pursuant to this section shall certify to the Village that no subleasing will be permitted.
- (6) Within 30 days of occupancy, the owner or agent for each senior housing development shall certify the number of occupants to the Village Code Enforcement Officer, and update said certification upon any change in the number of occupants.
- (7) The applicant shall submit its proposed site plan to the appropriate fire/emergency vehicle departments for review and approval. Such approval shall be required prior to any final approval granted by the Village of Red Hook Planning Board.

H. (Reserved)³

I. Townhouses. Townhouses shall be permitted as of right, subject to the following criteria:

(1) Specific development standards:

(a) The minimum lot area shall be:

[1] One acre for development of three to five units.

3. Editor's Note: Former Subsection H, regarding commercial day care, was repealed 8-14-2023 by L.L. No. 3-2023.

- [2] Two acres for development of six to 10 units.
- [3] Three acres for development of 11 to 15 units (for every five units beyond 15 units, another acre is required).
- (b) A grouping of townhouses shall not exceed 160 feet in length.
- (c) The minimum unit size shall be 750 square feet, and the average size of townhouses in any group shall be a minimum of 1,000 square feet.
- (d) The minimum lot width shall be 85 feet.
- (e) The minimum frontage per lot shall be 50 feet.
- (f) The minimum setback from street shall follow the provisions of § 200-12E(3).
- (g) The minimum distance between buildings shall be 22 feet.
- (h) The maximum height shall be 2 1/2 stories or 35 feet, whichever is less.
- (i) For each townhouse unit, there shall be 400 square feet of open space for each one-bedroom unit; 450 square feet of open space for each two-bedroom unit; and 500 square feet of open space for each unit containing three or more bedrooms.
- (j) There shall be a minimum of 0.5 parking spaces for each dwelling unit plus one visitor parking space per every three dwelling units.
- (k) Each townhouses shall be independently served by separate heating, air conditioning, sewer, water, electricity, gas or other facility and utility services wherever such utilities and services are provided, and no townhouse shall be in any way dependent upon such services or utility lines within another unit or on or in another townhouse, except as may be installed in public easement.
- (l) All units shall have access to a public or private street, except residences which need not front on a street but must have access thereto via a court, walkway or other area dedicated to public use or owned and maintained by a permanent resident non profit homes association or similar corporation.
- (2) Additional design guidelines for townhouse development:
 - (a) Units should provide interest through the use of varying forms, architectural detail and positioning on the site while maintaining continuity as one project.
 - (b) Units shall be oriented to create visual interest and variety. For units located on existing streets with existing street lines, orientation shall conform to the established build-to line and setback requirements and shall be integrated into the existing neighborhood fabric. For units located in large self-contained developments, buildings shall be set at angles from one another in order to avoid the "barracks" appearance and to create courtyards and/or shared public open spaces.
 - (c) Architectural detailing, horizontal offsets, architectural window details and other

features shall be provided on all sides of the building to avoid blank walls.

- (d) Vertical and horizontal elements should be used in contrast to one another.
 - (e) Two or more distinct unit models should be required for projects with three to six units.
 - (f) For projects with more than six units, a minimum of three distinct unit models should be required.
 - (g) There should be provided on each townhouse lot at least 250 square feet of patio living area, exclusive of parking and service areas.
- J. The Planning Board is authorized to approve cluster development in the Neighborhood Mixed Use District, subject to the conditions and procedures set forth in § 7-738 of the Village Law, as amended. Where a lot or plat proposed for cluster development lies within both the Village and the Town of Red Hook, the Planning Board may include in its density calculation the portion of the lot or plat lying within the Town of Red Hook, provided that final approval of the cluster development by the Village Planning Board shall be conditioned upon final approval by the Town Planning Board of that portion of the development lying within the Town of Red Hook in a manner consistent with the cluster development approval by the Village Planning Board. **[Added 11-6-2006 by L.L. No. 5-2011]**⁴

4. Editor's Note: This local law was originally adopted as L.L. No. 2-2006, but was not filed with the state at that time. It was filed in 2011 and renumbered as L.L. No. 5-2011.