

Town of Hyde Park**Local Law No. C of 2020**

A Local Law to enact certain amendments to Chapter 108, Zoning, of the Code of the Town of Hyde Park, to create a new zoning district entitled “Town Core” and revising the Zoning Chapter to rename “Town Center Historic District” to “Corridor Business” zoning district.

SECTION I. TITLE.

This local law shall be known as “A Local Law Enacting Certain Zoning Amendments to Chapter 108, Zoning, of the Code of the Town of Hyde Park to create the ‘Town Core’ zoning district and to rename the ‘Town Center Historic District’ to ‘Corridor Business’ zoning district.”

SECTION II. AUTHORITY.

This Local Law is enacted pursuant to the authority of Municipal Home Rule Law 10, the New York State Town law, and in accordance with Chapter 108, Article 34, Amendments. To the extent that the provisions of this Local Law are in conflict with Section 278 of the New York State Town law, the Town Board hereby asserts its intention to supersede Section 278 pursuant to Home Rule Law.

SECTION III. PURPOSE AND FINDINGS.

The purpose of these zoning amendments is to implement the goals and objectives expressed in the 2005 Town of Hyde Park Comprehensive Plan, as amended by the 2018 Planning & Engineering Report for the Redevelopment of the Town Center (“Town Center Report”), the 2013 Hyde Park Town Center Pedestrian Study, and a Supplemental Memo entitled “Town Center Vision”. It is a specific objective of the Town of Hyde Park, as set forth in the Town Center Report, to revitalize and redevelop the area generally surrounding the intersection of Pine Woods Road and Albany Post Road (Route 9) by creating the Town Core (“TC”) zoning district. The purpose of the Town Core zoning district is to acknowledge and preserve important and Town-valued historic building architecture, allow development in accordance with traditional neighborhood building patterns, and encourage attractive and compatible infill commercial and residential development with public amenities, which creates a destination and gathering place for town residents and visitors. The Town Core Design and Development Standards will guide new development. These Standards will allow buildings to be larger and yard setbacks to be smaller, and the intensity and density of uses will be consistent with traditional rural downtowns in the Hudson River Valley. The entire TC district will be united by consistent streetscape design and appropriate pedestrian connections. Because properties within the Town’s two historic cores have been removed from TCHD zoning district, the Town is further amending all references to the existing Town Center Historic District to the Corridor Business (“CB”) zoning district. Consistent with the Town’s desire to revitalize the Town Core area, two-family dwellings will be allowed in the Corridor Business district and in the newly created Town Core zoning district which are formed from the TCHD district (in which district two-family dwellings are currently prohibited). Multifamily

dwellings are currently permitted in the TCHD zone, and these amendments will expand housing options and encourage introduction of residents who would reinvigorate the Town Core which adjoins the Corridor Business zone. Two-family dwellings are allowed in the Neighborhood zone and would continue to be allowed, but by special use approval, to ensure that the use remains compatible with existing one-family dwellings in the neighborhood as two-family dwellings are more intensive residential uses. Two-family dwellings would continue to be permitted in the Neighborhood Core, Hamlet, Hamlet Core, Crossroads Core, Landing, East Park Business and Neighborhood Business districts but subject to site plan approval, and further subject to special use permit where more than one two family dwelling is placed on a lot already improved by one or more one-family or one or more two family dwellings. Further, through a review and analysis of the various uses that would be allowed in the new Town Core zoning district, revisions have been made to several use definitions as set forth in this Local Law to ensure the vision for, and objectives guiding, the Town Core zoning district are met. Lastly, to preserve the integrity of the Town Core zoning district and its intended uses, a provision relating to the interpretation of prohibited uses has been added.

SECTION IV. REVISIONS TO CHAPTER 108.

Chapter 108, Zoning, of the Code of the Town of Hyde Park is hereby amended as follows:

- 1. Definitions.** Section 108-2: Article 2: Definitions, Section 108-2.2. Terms defined, is hereby amended to delete the existing definitions of “Community Residence”, “Commercial Use (General)”, “Health-Care Facility”, “Multiple Dwelling”, “Residential Care Facility”, “Town Center Historic District (TCHD)” and “Bed-and-Breakfast”, and to add the following definitions in alphabetical order:

“ARTISANAL CRAFT

A use involving a production process characterized by minimal automation, little division of labor, and conducted by a person or small number of highly skilled craftsman skilled in an applied art mostly using their hands and non-automated tools to make furniture, sculpture, clothing, jewelry, or other functional or decorative items.”

“BED-AND-BREAKFAST

An owner-occupied residence resulting from conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than ten (10) transient lodgers for which compensation is paid. A bed-and-breakfast shall offer from one bedroom to four bedrooms without kitchens. A bed-and-breakfast is not deemed a home occupation and shall require site plan review and approval by the Planning Board, which shall determine, among other requirements, adequate parking.”

“COMMERCIAL USE (GENERAL)

A nonresidential use involving an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee not otherwise specified in the use regulation. This use shall not be interpreted to include any temporary or transient overnight accommodations or

permanent residences or dwellings. Also referred to herein as "general commercial use" or "commercial, general."

“COMMUNITY RESIDENCE

For purposes of this Zoning Chapter, a community residential facility shall be the equivalent of an intermediate “community residence” as defined in Section 1.03 of the New York State Mental Hygiene Law which serves no more than 14 individuals, or a family-type home for adults as defined by NYCRR, Title 18, Chapter II, Subchapter D, Part 489. A community residential facility shall not be construed to include multiple dwellings under this definition.”

“CORRIDOR BUSINESS (CB) ZONING DISTRICT

A zoning district that encompasses properties on either side of NYS Route 9 south of the Town Core zoning district, the boundaries of which are shown on the Town Zoning Map.”

“HOSPITAL, GENERAL

As per Article 28 of the NYS Public health law, a health care facility engaged in providing medical or medical and surgical services primarily to in-patients by or under the supervision of a physician on a twenty-four hour basis with provisions for admission or treatment of persons in need of emergency care and with an organized medical staff and nursing service, including facilities providing services relating to particular diseases, injuries, conditions or deformities. The term general hospital shall not include a residential health care facility, psychiatric hospital, public health center, diagnostic center, treatment center, outpatient lodge, dispensary and/or laboratory or central service facility serving more than one institution.”

“HOSPITAL OR FACILITY, PSYCHIATRIC

Inpatient services of a psychiatric center under the jurisdiction of the NY Office of Mental Health or other psychiatric inpatient facility psychiatric center, institute, clinic, ward, institution or similar facility as defined in Section 1.03 of the NYS Mental Hygiene Law.”

“PROFESSIONAL MEDICAL OFFICE

Professional offices in which medical care is provided to persons solely on an outpatient basis by one or more members of the medical professions including chiropractors, dentists, doctors, osteopaths, podiatrists, therapists, or other licensed medical service providers. Professional medical offices may, subject to any applicable state and/or federal regulatory requirements, also include, but are not limited to, medical testing labs or offices, offices for x-ray, sonograms, MRI, CAT scans and other medical imaging services, offices for the administration of nuclear medicine, radiation therapy, infusion, dialysis and similar medical treatments, offices for outpatient surgical and nonsurgical procedures. "Professional medical offices" shall not mean general hospital, psychiatric hospital or facility, nursing home, residential health care facility, developmental disability school, community residence, or any other inpatient medical or psychiatric facility.”

(1) Purpose. The purpose of the Corridor Business District is to permit diversified tourism-dependent nonresidential uses that meet tourist needs in areas convenient to major points of interest including the existing national park/historical sites, and to serve the local shopping and commercial needs of Hyde Park and area residents. To further diversify the economy of the Albany Post Road corridor, a mix of uses is encouraged.

(2) Existing character. The district includes those existing commercial areas that pose minimum physical and environmental constraints to development. The district encompasses existing concentrations of nonresidential uses as well as several important national historic sites.”

- 6. Purpose of District - Cores.** Amend Article 3: Establishment of Districts, Section 108-3.1.1.1 Land Use districts and purposes, to amend the title of subsection “J” as follows:

“J. Core Districts: Neighborhood Core, Hamlet Core, Crossroads Core and Town Core Districts (NC, HC, CC, TC)”

- 7. Bulk regulations - height.** Amend 108-4. Article 4: General Regulations, Section 108-4.4.A(3) Bulk regulations, by deleting the phrase “, except that these provisions shall not apply to the CC Zoning District” to add a new subsection “A(5)”, as follows:

“(5)The Planning Board may waive the requirements set forth in subsection A(3) herein for applications proposed in the CC and TC zoning districts, where the proposed building height will not have a significant visual impact on a designated place on the State or National Register of Historic Places, and is consistent with the intent of the zoning districts.”

- 8. Bulk regulations – front yards.** Amend 108-4. Article 4: General Regulations, Section 108-4.4 Bulk regulations, existing subsection “D”, by deleting subsection “(3)” and adding a new subsection “(3)” as follows:

“Any lot having frontage on two or more streets shall provide a front yard on each such street, except that the Planning Board, during site plan review, may waive this requirement for properties in the CC and TC zoning district, where the board determines that the waiver will accomplish the intended design objectives of this district. The area within any sight triangle area reserved under the provisions of § 108-4.5C(1)(d) may be included for the purposes of satisfying such yard requirement.”

- 9. Site development standards – pedestrian access and circulation.** Amend 108-4. Article 4: General Regulations, Section 108-4.5.B., Required off-street parking, as follows:

- a. Delete the word “convalescent home,”.
- b. Rename “medical clinic” to “medical office, professional”.
- c. Add the following parking standards, in alphabetical order in the list entitled “Common Number of Spaces for Off-Street Parking:

Community Residence	1 space per employee for the largest shift, plus 1 space per 3 beds for visitors, in addition to the requirements for a one-family residence.
Residential Care Facility	0.5 spaces per unit/bed, plus 1 space per employee for the largest shift, plus 1 space per 4 units/beds for visitors.

- 10. Site development standards – pedestrian access and circulation.** Amend 108-4. Article 4: General Regulations, Section 108-4.5 Site development standards, by deleting the first sentence of 108-4.5(C)(3)(d) and replacing it with the following:

“In all Hamlet, Hamlet Core, Crossroads Core, Town Core, Landing, Neighborhood Core, East Park Business, Corridor Business and Neighborhood Business Districts, the development of any lot shall provide a walkway utilizing sidewalks or an equivalent acceptable to the Planning Board along the full frontage of said lot to connect adjacent lots and to enhance and provide definition to the street providing frontage for the lot.”

- 11. Site development standards –architectural features standards - roofs.** Amend 108-4. Article 4: General Regulations, Section 108-4.5 Site development standards, by deleting 108-4.5.G (1)(d)[1] and adding a new subsection [1] as follows:

“[1] Flat roofs are inconsistent with the traditional building character of the Town and are not permitted except when allowed by the approval of the Planning Board within the Town Core zoning district, in accordance with the Town Core Design and Development Standards.”

- 12. Site development standards –architectural features standards - height.** Amend 108-4. Article 4: General Regulations, Section 108-4.5 Site development standards, by deleting 108-4.5.G (3)(b) and by adding a new subsection (b) as follows:

“(b)The height of any new building shall be within one full story of the existing buildings on adjacent lots, except that the Planning Board may allow an alternative building height within the CC and TC districts so as to be consistent with the design standards applicable to these districts.”

- 13. Historic overlay standards.** Amend 108-4. Article 4: General Regulations, Section 108-4.6.B., Historic overlay standards, by deleting it and adding the following new section 108-4.6.B:

“Places listed on the National and State Registers of Historic Places. Any use on a lot abutting such place shall obtain site plan approval for external structural alterations or construction and shall provide an open space along the common property line. Such open space shall be equal in depth to the contiguous open space on the lot designated as an historic place or 100 feet, whichever is less. Within the CC and TC zoning districts, the Planning Board may waive the open space requirements where it determines that said waiver is necessary to accomplish the goal and intent of the design guidelines set forth in 108-5.11.1, Crossroads Core District standards or 108-5.11.2, Town Center Historic District standards. ”

14. Drive-through facilities in CC District. Amend Section 108-5.11.1.D, Prohibited uses, by deleting subsection (7) and replacing same with the following:

“(7) Drive-through facility;”

15. Drive-through standards applicable to CC District. Amend Section §108-5.11.1.I.(9) of the Code by deleting this section.

16. TC Standards. Delete section 108-5.11.2, Town Center Historic District standards, and replace with the following new section:

“§108-5.11.2 Town Core (TC) District standards.

A. Objective. In order to implement the goals and objectives expressed in the 2005 Town of Hyde Park Comprehensive Plan, as amended by the 2018 Planning & Engineering Report for the Redevelopment of the Town Center, the 2013 Hyde Park Town Center Pedestrian Study, and a Supplemental Memo entitled “Town Center Vision”, the Hyde Park Town Board hereby creates a new Town Core zoning district to revitalize and redevelop the area generally surrounding the intersection of Pine Woods Road and Albany Post Road (Route 9). The Town Core zoning district acknowledges and preserves important and Town-valued historic building architecture, allows development in accordance with traditional neighborhood building patterns, and encourages attractive and compatible infill commercial and residential development with public amenities, which creates a destination and gathering place for town residents. The Town Core Design and Development Standards will guide new development. These Standards allow buildings to be larger and yard setbacks to be smaller, and the intensity and density of uses will be consistent with traditional rural downtowns in the Hudson River Valley. The entire TC district will be united by consistent streetscape design and appropriate pedestrian connections.

B. Applicability.

(1) Where a determination is made that an application requires site plan, special use permit, or subdivision approval from the Planning Board, the Town Core Design and Development Standards shall apply to the following:

(a) New construction.

(b) Expansions or additions to buildings legally existing at the time of the enactment of this local law involving more than a fifty percent (50%) increase of any building area and gross square feet.

(2) Except as regulated in (B)(3) hereafter, the Planning Board, in its discretion, may require that an application comply with §III, Architectural Patterns of the Town Core Design and Development Standards, for any application which seeks an expansion or addition to a legally existing non-conforming building pursuant to Article 6 of the Town Zoning Chapter and such application involves the alteration of the existing façade of the building. The

Planning Board, however, may waive any requirements in §III which it determines are not relevant or where such waiver would not be detrimental to the objectives of the Town Core Code provisions. A rationale for such waiver shall be provided by the Planning Board.

- (3) A change in use of a lawfully existing building from a nonresidential use to a residential use or mixed nonresidential/residential use, shall be subject to §III, Architectural Patterns of the Town Core Design and Development Standards. The Planning Board, however, may waive any requirements set forth in §III which it determines are not relevant or where such waiver would not be detrimental to the objectives of the Town Core Code provisions. A rationale for such waiver shall be provided by the Planning Board.

C. Design Standards. Development within the Town Core zoning district is hereby guided by the standards set forth in the Town Core Design and Development Standards, which is included as a separate Attachment to this Zoning Chapter. Unless set forth in this Section 108-5.11.2 , where there is a conflict between this Zoning Chapter and the Design and Development Standards, the latter shall prevail.

D. Prohibited uses.

- (1) In order to promote and create a pedestrian and mixed use, tourism-based environment, the following uses are specifically prohibited in the TC district:
- (a) construction yard or building material supply yards;
 - (b) gas stations, or the principal use of a property for four or more electric vehicle charging stations”;
 - (c) automotive sales and automotive repair establishments;
 - (d) car wash;
 - (e) any outdoor storage, where said storage exceeds 120 square feet of the lot, or 120 square feet of the use to which it is accessory where there is more than one principal use or building on a lot;
 - (f) self-storage facility;
 - (g) adult uses;
 - (h) supportive or supervised living facility as those terms are defined in Section 1.03 of the New York State Mental Hygiene Law under this definition.

E. Pre-existing nonconforming structures.

- (1) Any single-family detached dwelling legally existing on the effective date of this Zoning Chapter and located in any subarea of the Town Core zoning district shall be deemed a conforming structure and a permitted use and shall be allowed to continue.
- (2) Any building in existence on the effective date of this Zoning Chapter that becomes a nonconforming structure may be continued only in accordance with Article 6, Nonconforming Uses, Structures and Lots.

F. Site plan requirements. In addition to the submission requirements set forth in Section 108-9.4 of this Zoning Chapter, the following additional information shall be submitted to the Planning Board, and the Planning Board has authority to approve same in conjunction with site plan approval:

- (1) Master plan for future development. A property may not be able to achieve full build-out until such time that central sewer is made available. The Planning Board may require an applicant to prepare a conceptual master plan for the entire parcel whenever an application to subdivide or develop only a portion of a larger parcel is submitted and said master plan. The development of a master plan is intended to ensure that partial development or subdivision of a parcel will not preclude future development consistent with the purposes of the TC zoning district. Any master plan shall be developed at a sufficient level of detail to enable the Planning Board to determine that the present land use application will not impede future development in accordance with the Town Core Design and Development Standards. The Planning Board shall approve, approve with modifications, or disapprove the master plan.
- (2) Building elevations and floor plans. Building elevations which express the architectural design of any new building or building alteration shall be submitted to the board, along with information regarding the materials to be used in building construction. Floor plans shall be submitted to document the number of dwelling units, dwelling unit size, bedroom mix, or gross floor area of nonresidential space that is proposed. This submission is in addition to any renderings required by the Town Core Design and Development Standards.

G. Building type waiver permit.

- (1) Any Applicant that proposes to construct a development with a building type(s) that does not comply with a building type set forth in the Town Core Design and Development Standards may apply to the Planning Board for a Building Type Waiver Permit.
- (2) The Planning Board, in its discretion, may approve a Building Type Waiver Permit only where it finds the waiver meets the standards set forth below. The Building Type Waiver Permit shall be granted only after a public hearing is held in accordance with the procedures and public notification set forth in Section 108-8.3 of this Zoning Chapter. A decision on the Building Type Waiver Permit may be made concurrently with any site, special use permit or subdivision plan decision. The Planning Board, in its discretion, may approve the permit where it finds the following:
 - (a) The building type shall be consistent with the Purposes set forth in Section 103 of the Town Core Design and Development Standards to the maximum extent practicable;
 - (b) The waiver shall not have a detrimental impact on adjoining residential uses or the community character of same;
 - (c) The waiver is being approved to allow for the appropriate development of the Town Core zoning district consistent with the Town Core Design and Development Standards; and
 - (d) The waiver will not have a detrimental impact or impede the development of the remainder of the Town Core zoning district;

Or

(e) The specific use is a civic facility, charitable institution, or educational institution or cultural facility specifically allowed by the Zoning Chapter within the TC district and requires a unique building form not included among those herein shown and the Planning Board finds it also meets the requirements of (a) through (d) herein.

(3) Any decision of the Planning Board to waive the building type standards shall be set forth in writing and made part of the record. Where a Building Type Waiver Permit is granted, the land use application shall comply with the Corridor Business zoning district bulk standards set forth within 108 Attachment 2, Schedule of Bulk Regulations, of this Zoning Chapter. The Planning Board, in its discretion, can condition its approval on adherence to other applicable requirements set forth in the Town Core Design and Development Standards.

17. Town Center Historic District Standards. Renumber Section §108-5.11.2 Town Center Historic District standards to read:

“§108-5.11.3 Corridor Business District standards”

18. Prohibited uses. Amend Article 4, General Regulations, Section 108-4.1, Applicability of regulations, to add a new subsection “D” as follows:

“D. Any use not listed specifically within the Schedule of Use Regulations shall be considered a prohibited use in all districts under this chapter. Where permitted or uses allowed by special use permit are identified by generic words or descriptions, the Zoning Administrator shall determine whether a specific use shall be construed to be part of such generic class. In making such determination, the Zoning Administrator shall consider to what extent the proposed use is similar to the class of use indicated in the District Schedule of Use Regulations. If a use is specifically listed elsewhere in the District Schedule of Use Regulations, it is excluded from a generic classification.”

19. Schedule of Use Regulations. 108 Attachment 1, Schedule of Use Regulations, is amended to rename the “Town Center Historic District” to the “Corridor Business District”, add a new column of uses for the new Town Core District, TC, and several new uses and clarify the uses that are allowed within the overlay zoning districts as follows:

ZONING 108 Attachment 1

Town of Hyde Park

Schedule of Use Regulations

KEY:
 P = Designates a permitted use.
 P* = Designates a permitted use subject to site plan approval by the Planning Board.
 P** = Designates a permitted use subject to site plan approval, except that a special use permit shall also be required where more than one two-family dwelling is placed on a single lot or when one or more two-family dwellings are placed on a lot already improved by one or more one-family dwellings or one or more two-family dwellings.
 P*** = Designates a permitted use, except that site plan review shall also be required when more than one, one-family dwelling is placed on a lot or when one or more one-family dwellings are placed on a lot already improved by a one or more one-family dwellings or one or more two-family dwellings.
 NP = Designates a use not permitted in the district.
 S = Designates a use subject to special use permit and site plan approval.
 (w) = All uses in the Landing must be Water Dependent or Water Enhanced.
 S* = Designates a use subject to special use permit and site plan approval. Limit of four dwelling units per building, except in the CC and TC districts, where more than four (4) dwelling units per building are permitted subject to the requirements of Section 108-5.11.1. and 108-5.11.2 and the Town Core Design and Development Standards.
 S**= The use is allowed by special use permit and site plan approval, unless pre-empted by New York State Mental Hygiene Law Section 41.34 or any other section of New York State Law.

	Greenbelt and Waterfront		Neighborhood and Neighborhood Core		Hamlet and Hamlet Core		Crossroads Core	Landing	East Park Business District	Neighborhood Business District	Town Core	Corridor Business	Historic Overlay District	Scenic Overlay District
	GB	WF	N	NC	H	HC	CC	L (w)	EPBD	NBD	TC	CB		
Residential uses														
One-family dwelling	P***	P***	P***	P***	P***	P***	P***	P***	P***	P***	P***	P***		
Two-family dwelling	S	S	S	P**	P**	P**	P**	P**	P**	P**	P*	P*		
Multiple dwelling	NP	NP	NP	S	NP	S	P*	S*	NP	NP	P*	P*		
Townhouse	NP	NP	P*	P*	P*	P*	P*	P*	NP	NP	P*	NP		
Community residence	S**	S**	S**	S**	S**	S**	NP	S**	S**	NP	NP	NP		
Residential care facility	S	S	P*	P*	P*	P*	NP	NP	P*	P*	NP	NP		
Manufactured home park	NP	NP	S	NP	S	NP	NP	NP	NP	NP	NP	NP		
Apartment, accessory	S	S	S	S	S	S	S	S	S	S	S	S		
Bed-and-breakfast, accessory	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		
Nonresidential uses														
Adult use	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	S		
Agriculture	P*	P*	P*	P*	P*	P*	NP	P*	P*	P*	NP	NP		
Animal husbandry	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	NP	P*		
Artisanal craft	NP	NP	NP	S	NP	P*	P*	P*	P*	P*	P*	P*		

ZONING 108 Attachment 1

Town of Hyde Park

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 S**= The use is allowed by special use permit and site plan approval, unless pre-empted by New York State Mental Hygiene Law Section 41.34 or any other section of New York State Law.

	Greenbelt and Waterfront		Neighborhood and Neighborhood Core		Hamlet and Hamlet Core		Crossroads Core	Landing	East Park Business District	Neighborhood Business District	Town Core	Corridor Business	Historic Overlay District	Scenic Overlay District
	GB	WF	N	NC	H	HC	CC	L (w)	EPBD	NBD	TC	CB		
Camp	P*	P*	NP	NP	NP	NP	NP	S	NP	NP	NP	NP		
Camp, day	P*	P*	NP	NP	NP	NP	NP	S	NP	NP	NP	NP		
Cemetery	S	NP	S	NP	S	NP	NP	NP	NP	NP	NP	NP		
Charitable institution	S	S	S	S	S	S	S	S	S	S	P*	P*		
Civic facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		
Commercial, general	NP	NP	NP	S	NP	P*	P*	P*	P*	P*	P*	P*		
Commercial, recreation	S	S	S	S	S	S	S	S	S	NP	S	S		
Community facility	S	S	S	S	S	S	S	S	S	P*	S	NP		
Cultural facility	S	S	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		
Day-care center	NP	NP	S	S	S	S	S	NP	S	P*	S	P*		
Educational institution	S	S	P*	P*	P*	P*	P*	S	P*	P*	P*	P*		
Forestry use	P	P	P	P	P	P	NP	P	P	P	NP	P		
Gas station	NP	NP	NP	S	NP	S	NP	S	S	S	NP	S		
Hospital, General	S	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		

ZONING 108 Attachment 1
Town of Hyde Park
Schedule of Use Regulations

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S**= The use is allowed by special use permit and site plan approval, unless pre-empted by New York State Mental Hygiene Law Section 41.34 or any other section of New York State Law.

	Greenbelt and Waterfront		Neighborhood and Neighborhood Core		Hamlet and Hamlet Core		Crossroads Core	Landing	East Park Business District	Neighborhood Business District	Town Core	Corridor Business	Historic Overlay District	Scenic Overlay District
	GB	WF	N	NC	H	HC	CC	L (w)	EPBD	NBD	TC	CB		
Kennel (10-acre minimum)	S	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
Light industrial	NP	NP	NP	S	NP	S	NP	NP	S	NP	NP	NP		
Lodging facility	NP	NP	NP	S	NP	S	P*	S	P*	NP	P*	P*		
Medical office, professional	NP	NP	NP	S	NP	P*	P*	NP	P*	P*	P*	P*		
Membership club	S	S	S	P*	P*	P*	P*	S	P*	NP	P*	NP		
Mining	S	S	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
Municipal	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		
Nursery school	P*	P*	P*	P*	P*	P*	P*	NP	P*	P*	P*	P*		
Plant nursery	S	S	S	S	S	S	NP	S	S	P*	P*	P*		
Photovoltaic system, building-integrated (BIPV system)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public utility facility	S	S	S	S	S	S	S	S	S	S	S	S		
Religious use	S	S	S	S	S	S	P*	NP	S	P*	P*	P*		
Roadside stand	P*	P*	P*	P*	P*	P*	S	P*	P*	NP	S	NP		
Rural event venue	S	S	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		

ZONING 108 Attachment 1

Town of Hyde Park

Schedule of Use Regulations

KEY:
 P = Designates a permitted use.
 P* = Designates a permitted use subject to site plan approval by the Planning Board.
 P** = Designates a permitted use subject to site plan approval, except that a special use permit shall also be required where more than one two-family dwelling is placed on a single lot or when one or more two-family dwellings are placed on a lot already improved by one or more one-family dwellings or one or more two-family dwellings.
 P*** = Designates a permitted use, except that site plan review shall also be required when more than one, one-family dwelling is placed on a lot or when one or more one-family dwellings are placed on a lot already improved by a one or more one-family dwellings or one or more two-family dwellings.
 NP = Designates a use not permitted in the district.
 S = Designates a use subject to special use permit and site plan approval.
 (w) = All uses in the Landing must be Water Dependent or Water Enhanced.
 S* = Designates a use subject to special use permit and site plan approval. Limit of four dwelling units per building, except in the CC and TC districts, where more than four (4) dwelling units per building are permitted subject to the requirements of Section 108-5.11.1. and 108-5.11.2 and the Town Core Design and Development Standards.
 S**= The use is allowed by special use permit and site plan approval, unless pre-empted by New York State Mental Hygiene Law Section 41.34 or any other section of New York State Law.

	Greenbelt and Waterfront		Neighborhood and Neighborhood Core		Hamlet and Hamlet Core		Crossroads Core	Landing	East Park Business District	Neighborhood Business District	Town Core	Corridor Business	Historic Overlay District	Scenic Overlay District
	GB	WF	N	NC	H	HC	CC	L (w)	EPBD	NBD	TC	CB		
Scrap yard	S	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
Solar farms	S	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Solar system, freestanding or ground-mounted	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Solar system, rooftop or building-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P*	P*
Solar thermal system	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Telecommunications towers and facilities	S	S	S	S	S	S	S	S	S	S	S	S	U	U

NOTES:
 Rooftop or building-mounted solar systems shall be permitted in all zoning districts pursuant to a solar system building permit granted by the Town’s Building Inspector and Zoning Administrator, in accordance with the provisions of Chapter 130 of the Code.

 Rooftop or building-mounted solar systems shall be permitted only in the Town’s Historic Overlay District or Scenic Overlay District subject to site plan approval by the Planning Board, in accordance with the provisions of Chapter 130 of the Code.

 Freestanding or ground-mounted solar energy systems shall be permitted in all zoning districts subject to the issuance of a solar system building permit and site plan approval by the

ZONING 108 Attachment 1
Town of Hyde Park
Schedule of Use Regulations

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P*** = Designates a permitted use, except that site plan review shall also be required when more than one, one-family dwelling is placed on a lot or when one or more one-family dwellings are placed on a lot already improved by a one or more one-family dwellings or one or more two-family dwellings.
NP = Designates a use not permitted in the district.
S = Designates a use subject to special use permit and site plan approval.
(w) = All uses in the Landing must be Water Dependent or Water Enhanced.
S* = Designates a use subject to special use permit and site plan approval. Limit of four dwelling units per building, except in the CC and TC districts, where more than four (4) dwelling units per building are permitted subject to the requirements of Section 108-5.11.1. and 108-5.11.2 and the Town Core Design and Development Standards.
S**= The use is allowed by special use permit and site plan approval, unless pre-empted by New York State Mental Hygiene Law Section 41.34 or any other section of New York State Law.

	Greenbelt and Waterfront		Neighborhood and Neighborhood Core		Hamlet and Hamlet Core		Crossroads Core	Landing	East Park Business District	Neighborhood Business District	Town Core	Corridor Business	Historic Overlay District	Scenic Overlay District
	GB	WF	N	NC	H	HC	CC	L (w)	EPBD	NBD	TC	CB		

Planning Board pursuant to the provisions of Chapter 130 of the Code.

Solar farms shall be permitted only in the Greenbelt Zoning District subject to a solar system building permit and a special use permit and site plan approval by the Planning Board, pursuant to the provisions of Chapter 130 of the Code.

Building-integrated photovoltaic (BIPV) systems are permitted in all zoning districts provided they are shown on the plans submitted for the building permit application for the building containing this system approved by the Town’s Building Inspector and Zoning Administrator in accordance with the provisions of Chapter 130 of the Code.

Solar thermal systems are permitted in all zoning districts subject to the provisions of Chapter 108 of the Town Code.

Telecommunications towers and facilities are subject to the provisions of Chapter 108 of the Town Code.

20. **Schedule of Bulk Regulations.** 108 Attachment 2, Schedule of Bulk Regulations, is amended to include a column of bulk requirements associated with the new zoning district, TC, as follows:

ZONING 108 Attachment 2														
Town of Hyde Park														
Schedule of Bulk Regulations														
			Greenbelt and Waterfront		Neighborhood and Neighborhood Core		Hamlet and Hamlet Core		Crossroads Core	Landing	East Park Business District	Neighborhood Business District	Town Core District ⁽⁷⁾	Corridor Business
			GB	WF	N	NC	H	HC	CC	L (w)	EPBD	NBD	TC	CB
Height	Building	Maximum	35 ft	35 ft	35 ft	35 ft	35 ft	40 ft	40 ft	35 ft	40 ft	40 ft	(7)	40 ft
	Accessory structure	Maximum	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	(7)	22 ft
Size	Dwelling unit	Least dim.	16 ft	16 ft	16 ft	16 ft	16 ft	16 ft	16 ft	16 ft	16 ft	16 ft	(7)	16 ft
	Dwelling unit	Minimum floor area	400 sf	400 sf	400 sf	400 sf	400 sf	400 sf	400 sf	400 sf	400 sf	400 sf	(7)	400 sf
Coverage	Impervious coverage	Maximum	15% ⁶	15% ⁶	50%	70%	60%	80%	85%	90%	70%	70%	(7)	85%
Yards ² (setbacks)	Front ¹	Minimum	50 ft	50 ft	50 ft	30 ft	20 ft	10 ft	10 ft ⁵	10 ft	20 ft	20 ft	(7)	10 ft
	Side ⁴	Minimum	25 ft	25 ft	20 ft	15 ft	10 ft	10 ft	10 ft ⁵	10 ft	10 ft	10 ft	(7)	5 ft
	Rear	Minimum	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	25 ft	10 ft	20 ft	20 ft	(7)	20 ft
One shed (setbacks)	Front	Minimum	50 ft	50 ft	50 ft	30 ft	20 ft	10 ft	10 ft	10 ft	20 ft	20 ft	(7)	10 ft
	Side	Minimum	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	(7)	5 ft
	Rear	Minimum	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	(7)	5 ft
Scale (gsf)						6,000					40000	7500	(7)	65000
Maximum average density			0.4 DU/A ³ (2.5 A/DU) ³	0.4 DU/A ³ (2.5 A/DU) ³	2 DU/A	4 DU/A	4 DU/A	6 DU/A	10 DU/A	10 DU/A	8 DU/A	8 DU/A	(7)	8 DU/A

ZONING 108 Attachment 2

Town of Hyde Park

Schedule of Bulk Regulations

NOTES:

Refer to § 108-4.4 for further detail.

Scale. Scale limits the gross square feet of a proposed use or structure. Scale limits do not apply to one- and two-family residential use, animal husbandry, or agriculture use. The density limits noted herein shall include accessory apartments. The coverage limits noted herein shall be the maximum for all uses permitted on one lot.

Yard requirements: Such minimums shall be parallel to the applicable lot line for the full length thereof.

Landing: Any lot fronting on the Hudson River shall be permitted to construct water-dependent structures into the river, provided that U.S. Army Corps of Engineers approvals are obtained.

¹ On a corner lot, there shall be provided a side yard on the side street equal in depth to the required front yard in said district.

² Accessory structures, other than fences or walls, with a maximum height of 15 feet may be placed on a lot, provided the setback is no less than the setback required for any building for the front yard and no less than one-half the setback required for any building for the rear and side yards with a minimum setback of five feet. This does not apply to an accessory structure that contains a dwelling unit. An accessory structure that contains a dwelling unit must comply with the bulk requirements for the principal structure.

³ In the Greenbelt and Waterfront Districts, when calculating the density of acreage for a given parcel, all Federal Army Corps of Engineers and NYS DEC regulated wetlands proper as well as lands within the one-hundred-year flood hazard area shall be excluded from the total parcel acreage calculation. Where the resulting residual acreage is equal to or less than 10.0 acres, minimum average density shall be calculated on the basis of 2.0 A/DU for this residual acreage. Where the resulting residual acreage is more than 10.0 acres, the minimum average density shall be calculated on the basis of 2.5 A/DU for this residual acreage.

⁴ Townhouse. A zero-foot side yard setback is permitted for the side yard bordered by another attached dwelling unit.

⁵ Front yard in the CC zoning district. The front and side yards may be reduced to 0 feet, subject to the CC standards.

⁶ For solar farms approved pursuant to § 130-8 of the Town Code, the maximum impervious coverage shall be 25% instead of 15% as listed in the schedule.

⁷ The bulk regulations for the TC zoning district are set forth in the Town Core Design and Development Standards. Where a Building Type Waiver Permit has been approved by the Planning Board, the bulk regulations set forth for the Corridor Business District, as set forth in this Attachment 2, Schedule of Bulk Regulations, shall apply.

21. Zoning District Map revision. Section 108-3.2, Zoning Map, shall be revised as shown on the attached to create and show the boundaries of the TC zoning district.

22. Zoning District Map revision. The map legend listing the zoning districts at Section 108-3.2, Zoning Map, shall be revised to delete “TCHD, Town Center Historic District”, and replace it with the following: “CB, Corridor Business”

SECTION V. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

SECTION VI. CONFLICT WITH OTHER LAWS.

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is pre-empted or prohibited by the County, State or federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION VII. EFFECTIVE DATE.

This Law shall become effective upon filing with the New York State Secretary of State.

SECTION VIII. AUTHORITY

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local law shall supersede the provisions of the Town Law to the extent it is inconsistent with same, and the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.