

ZONING

240 Attachment 2

Schedule of Use Regulations

Nonresidential Districts

Town of Wappinger

[Amended 1-26-2998 by L.L. No. 1-1998; 4-27-1998 by L.L. No. 4-1998; 9-24-2001 by L.L. No. 5-2001; 2-23-2004 by L.L. No. 3-2004;

6-27-2005 by L.L. No. 6-2005; 7-5-2005 by L.L. No. 8-2005; 6-23-2008 by L.L. No. 2-2008; 6-23-2008 by L.L. No. 3-2008;

10-27-2008 by L.L. No. 7-2008; 5-11-2009 by L.L. No. 5-2009; 9-9-2013 by L.L. No. 13-2013;

11-12-2013 by L.L. No. 14-2013; 8-11-2014 by L.L. No. 7-2014; 4-27-2015 by L.L. No. 1-2015; 3-28-2016 by L.L. No. 1-2016; 1-30-2017 by L.L. No. 1-2017¹; 6-12-2017 by

L.L. No. 3-2017; 11-27-2017 by L.L. No. 6-2017; 5-14-2018 by L.L. No. 6-2018; 9-10-2020 by L.L. No. 3-2020]

Key:

PP = Permitted principal use

PA = Permitted accessory use

SPU = Special permit use

Use	Districts									
	HB	HM	NB	GB	CC	SC	HD	COP	AI	PUD ²
In any nonresidential district, no building or premises shall be used and no building or group of buildings or part of a building or structure shall be erected, constructed, enlarged, altered, arranged, used or designed to be used, in whole or in part, except for one or more of the uses set forth below. Only those uses specifically listed as being permitted shall be permitted; all other uses shall be deemed to be prohibited. Accessory buildings or uses shall not be permitted on a lot without a permitted principal building or use. All uses are subject to the requirements and conditions set forth in the noted sections (§).										
Public and Quasi-Public										
Buildings, structures and uses owned or operated by the Town of Wappinger; buildings, structures and uses of any other governmental entity or district; schools or educational facilities operated by, on behalf of or funded by any public school district or the New York State Education Department, excluding garages, transportation facilities, dumps and landfills in connection with all of the above	PP	PP	PP	PP	PP	PP	PP	PP	PP	
Places of worship, including rectories, parish houses and religious schools with minimum setbacks from adjacent residential properties equal to twice those otherwise required in the district in which the property is located.	PP	PP	PP	PP	PP	PP	PP	PP		
Private schools and colleges (§ 240-58)	PP	PP	PP	PP	PP	PP	PP	PP	PP	
Day-care centers (§ 240-66)	PP	PP	PP	PP	PP	PP	PP	PA	PA	
Libraries, museums and art galleries on lots with frontage on a state or county road and provided the use derives its primary access from such road.	PP	PP	PP	PP	PP	PP	PP			

NOTES:

¹ (Reserved)

² See § 240-39.

¹ Editor's Note: This local law was adopted as a remedial measure and also stated in Section 10 that any approvals issued under L.L. No. 1-2015 after its effective date of 5-18-2015 shall be considered valid notwithstanding the readoption of this law.

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Office										
Professional, banking, business, governmental or other offices	PP	PP	PP	PP	PP	PP	PP	PP	PP	
Scientific research, engineering or design laboratories, provided that no hazardous wastes are produced				SPU	SPU		SPU	SPU	SPU	
Retail										
Stores and shops for the conduct of retail business	PP	PP	PP	PP	PP	PP	PP		PA	
Craft and artisan studios and shops	PP	PP	PP	PP	PP	PP			PP	
Catalog showrooms for retail sales of off-site inventory (§ 240-81.1)	SPU			SPU	SPU	SPU		SPU	SPU	
Pawnshops (§ 240-81.4)	SPU						SPU			
Restaurant, Bar and Restaurant-Brewer										
Restaurants; and on lots of at least two acres: stand-alone, franchise, fast-food establishments	PP					PP				
Restaurants excluding stand-alone, franchise, fast-food establishments.		PP	PP	PP	PP		PP		PP	
Bars and restaurant-brewers	PP	PP	PP	PP	PP	PP	PP		PP	
Service										
Personal service businesses	PP	PP	PP	PP	PP	PP	PP			
Funeral homes (§ 240-65)	PP	PP	PP	PP	PP		PP			
Theaters	PP	PP	PP	PP	PP	PP	PP			
Tattoo parlors (§ 240-79)	PP									
Training schools or programs	PP	PP	PP	PP	PP	PP	PP	PP	PP	
Pet grooming	PP	PP	PP	PP	PP	PP	PP			
Commercial or industrial laundry									PP	
Landscaping business				PP				PP	PP	
Commercial kitchens, without any end-consumer presence on the premises				PP				PP	PP	
Recreation- and Entertainment-Related										
Health, exercise or fitness clubs	PP	PP	PP	PP	PP	PP			SPU	

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Recreation- and Entertainment-Related (Cont'd)										
Private, community or fraternal recreation clubs (§ 240-62)	SPU	SPU	SPU	SPU	SPU	SPU			SPU	
Conventional golf courses, pitch and putt (par 3) golf courses and driving ranges					SPU			SPU	SPU	
Municipal parks and playgrounds typically including facilities such as tennis, basketball, hardball and paddle tennis courts, baseball and soccer fields and swimming pools	PP	PP	PP	PP	PP	PP	PP	PP	PP	
Commercial recreation facilities (§ 240-72)	SPU			SPU	SPU	SPU	SPU		SPU	
Entertainment uses (§ 240-76)	SPU			SPU	SPU	SPU	SPU	SPU	SPU	
Adult uses (§ 240-75)	PP									
Medical										
Health care office	PP	PP	PP	PP	PP	PP	PP	PP	PP	
Hospitals	SPU			SPU	SPU	SPU	SPU	SPU	SPU	
Medical or dental laboratory	PP	PP	PP	PP	PP	PP	PP	PP	PP	
Nursing homes and alternative care facilities (§ 240-64)		SPU		SPU	SPU		SPU	SPU		
Substance abuse clinics	SPU				SPU		SPU		SPU	
Veterinarian offices, pet day care and commercial kennels without any outdoor runs (§ 240-71)	PP			PP	PP		PP		PP	
Veterinarian offices, pet day care and commercial kennels, with outdoor runs (§ 240-71)	SPU								SPU	
Farm- and Animal-Related										
Farm uses, including accessory farm produce stands, nurseries and greenhouses (§ 240-55)	PP	PP	PP	PP	PP	PP	PP	PP	PP	
Temporary outdoor sales (§ 240-59)	SPU	SPU	SPU	SPU	SPU	SPU				
Pet crematoriums (§ 240-81.2)									SPU	

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Manufacturing, Fabricating, Assembling, Finishing, Repair, Brewing and Distilling										
Printing plants, printing and publication facilities	PP						PP		PP	
Manufacturing, fabricating, finishing, assembling or repair of products including the retail sale of such products on the premises (§ 240-78)								PP	PP	
Assembling, finishing or repair of products including the retail sale of such products on the premises (§ 240-78)	PP			PP			PP	PP	PP	
Microbrewers and microdistillers (§ 240-81.6)								PP	PP	
Aeronautical										
Municipal airports, including aircraft sales or rentals and aviation-related flight, ground and/or maintenance schools									PP	
Warehouse and Storage										
Warehousing (not self-storage) on a minimum lot of 2 acres	PP	SPU					PP	PP	PP	
Self-storage rental warehousing on a minimum lot of 2 acres	SPU								SPU	
Contractor's lumber supply yard and wholesale lumber sales (§ 240-68)				SPU					PP	
Contractor's office, storage and sale of construction materials, supplies and equipment, including plumbing, electrical and similar contractor's establishments, provided that any outdoor storage is suitably screened in accordance with § 240-25D and meets all other applicable provisions of this chapter				PP					PP	
Outdoor storage of 1 auto trailer, or 1 unoccupied recreational vehicle, or one boat, or one other single vehicle other than licensed and registered passenger vehicles, provided such trailer, boat, or other single vehicle is effectively screened from adjoining properties. Such storage area shall comply with all minimum yard setback requirements for buildings, but in no case shall it be permitted in the front yard.		PA								

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Warehouse and Storage (Cont'd)										
Outdoor storage of more than one auto trailer, unoccupied mobile home trailer, boat, or other vehicle other than licensed and registered passenger vehicles, provided such trailers, boats, or other vehicles are accessory to permitted use and are effectively screened from adjoining properties. Such storage area shall comply with all minimum yard setback requirements for buildings, but in no case shall storage be permitted in the front yard.		SPU								
Automotive										
Motor vehicle towing, repair and service (§ 240-70)	SPU	SPU	SPU	SPU		SPU			SPU	
Gasoline filling stations (§ 240-52)	SPU	SPU	SPU	SPU						
Motor vehicle sales establishments (§ 240-67)	SPU								SPU	
Transportation terminals on a minimum lot of 2 acres									PP	
Vehicle rental businesses	PP								PP	
Restoration of antique passenger motor vehicles (§ 240-70.1)	SPU				SPU				SPU	
Sales of antique passenger motor vehicles as accessory use in connection with the restoration of antique passenger motor vehicles (§ 240-70.1)	SPU				SPU				SPU	
Off-site parking as an accessory use to a principal motor vehicle sales establishment use on a noncontiguous lot (§ 240-81.8)	SPU						SPU		SPU	
Residential										
Hotels and motels (§ 240-69)	PP						PP			
Conversion of existing hotel/motel to congregate care facility				SPU						
Bed-and-breakfast establishments (§ 240-73)		PP	PP	PP		PP				
Home occupations		PA								
Temporary housing unit (such as Elderly Cottage Housing Opportunity) incidental to the permitted principal use (§ 240-60)		SPU								
Conversion of certain existing large residential structures to two-family or multifamily dwellings (§ 240-56)		SPU	SPU							
1-family dwellings not to exceed 1 dwelling on each lot		PP								

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Residential (cont'd)										
The renting of rooms to not more than 2 persons who are not members of the resident family		PA								
Accessory apartments (§ 240-53)		PA								
Boardinghouse or rooming house (§ 240-81.5)	SPU									
Mixed Uses										
Mixed use, which is a grouping of attached or detached structures, containing a mix of residential dwelling units and one or more of the following commercial uses: retail stores and shops, personal service businesses, professional or business offices and banks (§ 240-81.7)	PP	SPU	SPU	SPU		SPU				
Utilities										
Sewage treatment plants or water supply facilities which are not part of a project approval, subject to Town Board approval	SPU	SPU	SPU	SPU	SPU	SPU	SPU	SPU	SPU	
Public utilities, including underground transmission and distribution lines, serving the local area only which are not part of a project approval, subject to Town Board approval	SPU	SPU	SPU	SPU	SPU	SPU	SPU	SPU	SPU	
Telecommunications, towers, antennas and personal wireless service facilities	SPU	SPU	SPU	SPU	SPU	SPU	SPU	SPU	SPU	SPU
Solar farm (§ 240-57)					SPU			SPU	SPU	
Accessory Structures										
Accessory radio receiving/transmitting structures (§ 240-22)	PA	PA	PA	PA	PA	PA	PA	PA	PA	
Accessory satellite receiving antennas (§ 240-28)	PA	PA	PA	PA	PA	PA	PA	PA	PA	
Any accessory buildings or uses determined by the Planning Board to be customarily incidental to a permitted use	PA	PA	PA	PA	PA	PA	PA	PA	PA	
Signs (§ 240-29)	PA	PA	PA	PA	PA	PA	PA	PA	PA	
Temporary construction and sales trailers (§ 240-27.1)	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
Building-integrated photovoltaic (BIPV) system	PA	PA	PA	PA	PA	PA	PA	PA	PA	
Roof-mounted solar energy system	PA	PA	PA	PA	PA	PA	PA	PA	PA	
Ground-mounted solar energy system	PA	PA	PA	PA	PA	PA	PA	PA	PA	

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Miscellaneous										
Off-street parking facilities (Article X)	PA	PA	PA	PA	PA	PA	PA	PA	PA	
Exterior lighting (§ 240-23)	PA	PA	PA	PA	PA	PA	PA	PA	PA	
Bus passenger shelters	PA	PA	PA	PA	PA	PA	PA	PA	PA	
Accessory Office and Industrial Park Uses										
Training schools or programs for employees which are clearly subordinate and incidental to the permitted principal use							PA	PA	PA	
Lodging for the temporary accommodation of employees, visitors or caretakers of the permitted principal use; provided that the gross floor area dedicated to such use does not exceed 5% of the gross floor area on the lot								PA		
Facilities for the furnishing of food and personal convenience items and services to employees and business visitors, provided that such facilities are not open to the general public and are located within a building with no external evidence of such accessory use (i.e., business sign, show windows, separate entrance)							PA	PA	PA	
Recreational facilities for the use of employees and guests, provided that such facilities shall be a clearly subordinate and integral part of the permitted principal use	PA	PA	PA	PA	PA	PA	PA	PA	PA	
Accessory Residential										
Swimming pools or other accessory recreational facilities for the use of the residents of the premises and their guests (§ 240-21E)		PA								
Garden houses, pool houses, playhouses or greenhouses incidental to the residential use of the premises and not operated for profit, provided that any such structure complies with all yard and setback requirements for buildings		PA								

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² See § 240-39.