

DRAFT LOCAL LAW
Amendments to the Code of the Town of Pawling
Chapter 215 Zoning

Draft dated: July 5, 2011; revised March 2, 2011

NOTE: Existing text from the Code of the Town of Pawling is shown below as regular text, highlighted only as shown in the code. Proposed amended text is shown as underlined text (text). Text that is proposed to be deleted is shown as stricken text (~~text~~).

1. The Code of the Town of Pawling, Chapter 215 shall be amended to incorporate revisions to the HA (Hamlet), HB (Highway Business) and I (Industry) zoning districts and related provisions as described below:

2. Article II, entitled Definitions, Section 215-3 Definitions shall be revised to include the following new and revised terms and definitions, inserted in the proper order in this section, to read as set forth below. The remainder of section 215-3 shall remain as currently set forth in the code:

Article II Definitions

Section 215-3 Definitions

ACCESSORY APARTMENT - A dwelling accessory to and separate from the principal use on a lot, which may be contained in the same building.

BED-AND-BREAKFAST ESTABLISHMENTS - A dwelling in which overnight accommodations and breakfast are provided for transient guests for compensation.

DWELLING, MULTIFAMILY - ~~A dwelling or group of dwellings each containing a minimum of 900 square feet of habitable floor area above grade,~~ containing separate dwelling units for three or more families, but which may have joint services or facilities, or both. Section [215-32](#) should be read in connection herewith. **[Amended 7-14-1987 by L.L. No. 3-1987]**

DWELLING UNIT – ~~A building designed or used exclusively as living quarters for one or more families, containing a minimum of 900 square feet of habitable floor area above grade;~~ The term shall not be deemed to include an automobile court, motel, boarding- or rooming house, mobile home trailer, tourist home or tent.

LODGING AND CONFERENCE-EVENT CENTER - A building or group of buildings, which include: transient living and sleeping accommodations for rent for 10 or more persons, which is open for year-round occupancy; and rooms and other facilities for meetings, events and dining. A lodging and conference-event center may also include offices and facilities for business, recreational and leisure activities.

MIXED BUSINESS CENTER – A cohesively planned development in accordance with an integrated site and architectural plan consisting of two or more commercial, service retail or other permitted or specially permitted uses within a zoning district which permits mixed business centers.

3. Article III, entitled Establishment of Districts, Section 215-4 Districts Enumerated shall be revised to read as follows:

Article III Establishment of Districts

215-4 Districts Enumerated

A. The Town of Pawling is hereby divided into the following districts:
[Amended 9-10-1991 by L.L. No. 5-1991; 8-9-1994 by L.L. No. 1-1994]

CD	Conservation Density Residential
R-4	Agriculture-Conservation Density Residential
R-3	Very Low Density Residential
R-2	Low Conservation Density Residential
R-1	Low-Density Residential
VRD	Variable Residential Density
HA	Hamlet
HB	Highway Business
<u>MBI</u>	<u>Mixed Business-Industry</u>
PDD	Planned Development District

4. Regarding Article III, Section 215-5 Zoning Map, the zoning map shall be revised to show that areas previously designated as I (Industry) zoning districts will now be designated MBI (Mixed Business-Industry). The boundaries of said districts shall remain the same.

5. Article IV. District regulations, Section 215-12, subsection B shall be revised to read as shown below. Subsections A., C and D. shall remain as previously adopted:

Article IV District Regulations

Section 215-12 Accessory buildings, guest cottages, tents and campers.

B. Dwellings in accessory buildings. Any accessory building on the same lot with a main residence building ~~shall not~~ may be used for residence purposes, ~~except~~ for employees of the owners of the main

building, and who are employed full-time on the premises. ~~Such housing may contain a kitchen or kitchen facilities.~~ Such use of an accessory building will require a special use permit approved by the Planning Board in accordance with the supplemental requirements herein for accessory apartments on one-family residential lots. **[Amended 8-9-1994 by L.L. No. 1-1994]**

6. The Schedule of Permitted Uses, referenced in Article IV District Regulations, section 215-15 Permitted Uses, shall be amended as set forth in the attached zoning table entitled "Draft Amendment to Pawling Code Schedule of Permitted Uses". The proposed amendments:

- Add bed-and-breakfast establishments and accessory apartments to the HA and HB zoning districts;
- Provide a broader range of uses in the HB zoning district; and
- Rename the current I zoning district to become the MBI district; and
- Emphasize mixed business uses and provide a broader range of uses, including lodging and conference-event center, in the MBI zoning district.

7. The schedule referenced in Article IV District Regulations, section 215-16 Schedule of Bulk Regulations, shall be amended to provide flexibility with reduced yard setback requirements in the Hamlet (HA) zoning district as set forth in the attached zoning table entitled "Draft Amendment to Pawling Code Schedule of Bulk Regulations". The Schedule of Bulk Regulations shall also be amended to eliminate the minimum area per dwelling column.

8. Article V Supplementary Regulations shall be revised and renumbered to include the following supplemental requirements for accessory apartments on one-family residential lots; accessory apartments above commercial establishments; and bed-and-breakfast establishments set forth below:

§ 215-17.1 Accessory apartments on one-family residential lots.

A. Only one accessory apartment is allowed and it shall be clearly subordinate to the one-family dwelling.

B. The owner of the one-family lot on which an accessory apartment is located shall occupy the principal or accessory dwelling unit.

C. The accessory apartment shall occupy not more than 30% of the floor area of the principal dwelling if located in a portion of a single-family structure. If located in a detached accessory structure, the accessory apartment shall be limited to a maximum floor area equivalent to 30% of the floor area of the principal dwelling. In no case shall the accessory dwelling exceed 1,200 square feet.

D. The accessory apartment must comply with all bulk requirements for a one-family residential lot.

E. The exterior of the structure in which an accessory apartment is located, its entry, stairways, parking and access thereto shall be such that, to the extent practicable, the appearance of the property will remain as a one-family residence. The resulting appearance of the property shall be consistent with the character of principal one-family dwelling and the surrounding properties. Appropriate screening of access, parking and entry areas may be required.

F. Evidence shall be provided about the sufficiency of water supply and sewage treatment facilities for the accessory and principal dwellings. Any necessary improvements to such facilities shall be properly permitted.

§ 215-17.2 Accessory apartments above commercial establishments.

- A. Only two accessory apartments are allowed above non-residential uses the total floor area of which shall be equal to or less than the floor area of the non-residential uses.
- B. In no case shall any accessory dwelling exceed 1,200 square feet.
- C. The accessory apartment must comply with all bulk requirements for the non-residential lot on which it is located.
- D. The residential aspect of any structure in which accessory apartments are located over non-residential uses must have an entryway which does not require access through any non-residentially used area, other than a common lobby, hallway or stairway.
- E. Evidence shall be provided about the sufficiency of water supply and sewage treatment facilities for the accessory and non-residential uses. Any necessary improvements to such facilities shall be properly permitted.

§ 215-18.1 Bed-and-breakfast establishments

A. Purpose. The intent of these supplemental requirements is to allow convenient, local accommodation for short-term visitors to the community; and to encourage preservation of older homes and residential lots with open space by providing a cost-effective alternative or adaptive use consistent with the character of the community. It is also anticipated that this provision will provide economic support for present homeowners, to protect and preserve property values. Therefore, specific conditions are set forth below for bed-and-breakfast establishments.

B. Bed-and-breakfast establishments, where permitted under this chapter, shall conform to the following additional requirements:

- (1) The property and principal and accessory structures thereon shall conform to the lot area, yard and other requirements for the zoning district in which the property and structures are located.
- (2) The building housing a bed-and-breakfast establishment shall be an existing, detached one-family dwelling and its use as a bed-and-breakfast establishment shall not conflict with its appearance or function as such.
- (3) The minimum size lot on which a bed-and-breakfast establishment may be located is one-half acre. A bed-and-breakfast establishment may be permitted on a lot with a smaller area only if such lot is located in a nonresidential district and the Planning Board finds that a bed-and-breakfast establishment can be adequately accommodated within the existing principal dwelling building and that it will not overburden the property and that it will be a use compatible with the surrounding properties.
- (4) The owner of the lot upon which the bed-and-breakfast establishment is to operate shall occupy and maintain the bed-and-breakfast establishment as his/her legal residence.
- (5) The maximum number of bedrooms that may be available to overnight guests shall be four. The Planning Board shall be responsible for determining and limiting the number of bedrooms in each dwelling in connection with its review of the special permit application.
- (6) Meal service shall be limited to a morning meal served to overnight guests only.
- (7) No less than one off-street parking space shall be provided per bedroom designated as available for overnight guests. Said parking shall be in addition to the parking required by this chapter for the single-family dwelling use. The parking spaces shall be provided in a safe manner on the subject lot so as to not establish a nuisance or burden for adjacent and surrounding lots.

- (8) Evidence of the approval of the proposed method and adequacy of water supply and sewage disposal shall be obtained from the Dutchess County Department of Health.
- (9) Signage shall comply with the provisions herein for signs generally, and for signs in residential districts as set forth in section 215-40, G., except that a bed-and-breakfast sign may be externally illuminated with lighting sensitive to the neighborhood. There shall be no more than one sign, which may be freestanding, not exceeding four square feet in area.
- (10) Smoke alarms shall be installed in each bedroom of the bed-and-breakfast establishment.

9. Article V Supplementary Regulations, Section 215-30 Landscaping, subsection A. shall be revised to read as shown below. The rest of Section 215-30 shall remain as previously adopted:

A. The provisions of this section shall apply to all multiple-family complexes and all uses in the following districts: Hamlet, Highway Business, Mixed Business-Industry, Planned Development and Variable Residential Density. Lands which are not used for buildings, structures, off-street parking and loading areas, driveways or similar uses shall be landscaped in accordance with the standards of this section. A complete plan and schedule of existing and proposed landscaping shall be included with the site plan and/or special permit application. This plan should detail the number, location, size and name of each plant species, which shall be approved by the Planning Board. The minimum standards and requirements for landscape areas shall be:

10. Article V Supplementary Regulations, Section 215-31.1 Highway Business (HB) nonresidential zoning districts, shall be revised to read as follows:

Article V Supplementary Regulations

215-31.1 Highway Business (HB) nonresidential zoning districts

[Added 5-8-2001 by L.L. No. 2-2001]

A. Intent. The Highway Business Zoning District is intended to provide flexible land use and design regulations to encourage the creation of an appropriate scale of commercial and retail development that:

- (1) Generates a positive tax base benefiting Town and village residents.
- (2) Increases employment opportunities and/or enhances shopping.
- (3) Protects the visual environment through high-quality architecture and attention to aesthetics.
- (4) Enhances pedestrian circulation.

B. General requirements for HB Zone.

(1) No building, including accessory structures, shall exceed a floor area ratio of ~~0.30~~ 0.70.

(2) No building shall exceed 60,000 square feet in size.

(3) The Planning Board may, in its discretion, vary the required yard setbacks for developments in the HB district where it finds that:

(a) High-quality site layout, architecture, landscaping and preservation of natural and historical features are maximized;

(b) Sharing of access and parking facilities and coordination of pedestrian improvements with adjacent sites or properties are maximized;

(c) Site design and construction utilize methods that have a low-impact on the environment; and

(d) Proposed development is in substantial compliance with the intent of these supplemental requirements.

~~(3)~~(4) All utilities, telephone and other wires for providing power and communication shall be installed underground in the manner prescribed by the regulations of state and local governments and/or the utility company having jurisdiction.

~~(4)~~(5) No parking shall be permitted in any front yard setback.

~~(5)~~(6) At least 15% of any zoning lot must be open space. Such designated open space must be undisturbed natural features grass, or landscaped areas with a variety of trees, shrubs and ground covers open to the air.

~~(6)~~(7) The layout and design of buildings and related improvements will address the land use policies, principles and guides entitled "Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities".

C. Special permit requirements for any lot above ~~five~~ two acres and mixed business shopping centers. Because large lots and mixed business shopping centers have special aesthetic and design considerations, they shall meet the general standards of § [215-46](#), the standards listed above in Subsection [B](#), as well as the following conditions:

(1) Minimum lot size: ~~five~~ two acres.

(2) Maximum allowable floor area ratio: ~~0.20~~ 0.70.

~~(3) Minimum store size: Development shall minimize impacts on the economic viability of the Village of Pawling by limiting of all store sizes and professional offices and personal service establishments in a shopping center to at least a minimum of 3,500 square feet of gross floor area so that small stores and professional offices are encouraged to locate in the village.~~

(4) Access management. Development shall minimize the number of access points to and from Route 22 and provide interior road circulation and pedestrian circulation systems, including provision for service roads or feeder roads running parallel to Route 22, as determined by the Planning Board. (See § [215-25](#).)

(5) Design criteria.

(a) Ensure that the appearance of the buildings permitted under this section is harmonious with the general visual environment of the Town and promote a high standard of architectural design. The Planning Board may establish design guidelines and controls for commercial buildings, including architectural design review.

(b) In addition to the parking requirements of § [215-34](#), ensure that parking is minimized in the front of buildings, that it is provided in small, tree-lined parking bays and that at least one tree per 10 parking spaces is provided.

(c) Utilities provisions. The utility provisions of § [215-36](#) (Planned Development District) shall be met.

(6) Open space. At least 25% of the total lot area shall be open space. Such designated open space must be undisturbed natural features grass, or landscaped areas with a variety of trees, shrubs and ground covers open to the air.

11. Article V Supplementary Regulations shall be revised to include a new subsection after Section 215-31.1 Highway Business (HB) nonresidential zoning districts, which shall read as follows:

§ 215-31.2 Mixed Business Industry (MBI) nonresidential zoning districts.

A. Intent. The purpose of the Mixed Business Industry (MBI) district is to provide flexible land use and design regulations to encourage the creation of a mixed use development that:

(1) Creates the opportunity for enhancement of the tax base benefiting Town and village residents.

- (2) Increases lodging, service, shopping, and recreational options and enhances the variety of employment opportunities available in the Town.
- (3) Protects the visual environment through high-quality architecture and attention to aesthetics and community character.
- (4) Utilizes a design concept that incorporates open space elements, the site's environmental characteristics, and is pedestrian oriented (i.e., incorporates walkways and bikeways).
- (5) Provides an efficient use of land use, which minimizes the extent and cost of the provision of community facilities and utilities (water, sewer, fire service, schools and roads).
- (6) Provides convenience in the location of goods, services, amenities and facilities that better fulfills the needs of the surrounding area.
- (7) Utilizes an efficient, aesthetic and unified design incorporating open space elements, pedestrian walkways, natural landscaping and appropriate screening throughout the development.
- (8) Promotes interconnected and shared access and parking facilities between businesses and the surrounding community.
- (9) Enhances opportunities for pedestrian and bicycle circulation and access to transit.

C. General requirements.

(1) Area and bulk standards.

(a) The total of all buildings on a site, including accessory structures, shall not exceed a floor area ratio (FAR) of 0.60.

(b) The Planning Board may, in its discretion, vary the required yard setbacks for developments in the MBI district where it finds that:

[1] High-quality site layout, architecture and landscaping; and preservation of natural and historical features and surrounding viewsheds are maximized;

[2] Site design and construction utilize methods that have a low-impact on the environment; and

[3] Proposed development is in substantial compliance with the intent of these supplemental requirements.

(2) All utilities, telephone and other wires for providing power and communication shall be installed underground in the manner prescribed by the regulations of state and local governments and/or the utility company having jurisdiction.

(3) Parking.

(a) Parking shall be minimized along road frontage areas and screened from view.

(b) In off-street parking areas containing 25 or more parking spaces, at least 10% of the total parking area within the paved areas shall be landscaped with appropriate trees, shrubs and other plant material to assure the establishment of a safe, convenient and attractive parking facility.

(c) Opportunities for shared parking shall be maximized and unnecessary pavement and impervious surface coverage shall be avoided. For mixed use development with complementary peak hours of use, the Planning Board may waive up to 25% of the total parking required for all of the proposed uses upon a finding that the shared parking is appropriate and adequate to meet the peak demands. In granting a parking waiver, the Planning Board may require that a parking reserve be provided in the event that it finds that some portion of the parking may be required in the future (see 215-34). Alternatively, the Planning Board may require that a portion of the required parking be constructed with pervious materials upon a finding that that portion of the required parking is projected for use during peak demand.

(4) Access and internal circulation plans shall minimize the number of access points to and from Routes 22 and 55 by utilizing shared roads and driveways. Interior vehicular, bicycle and pedestrian circulation systems shall include internal road systems with service roads or feeder roads and incorporate transit stops, as determined by the Planning Board. (See § [215-25](#))

(5) The site layout and appearance of the buildings shall be in harmony with the general visual character of the surrounding community and incorporate a high standard of architectural design. The Planning Board may establish design guidelines and controls for commercial buildings, including architectural design review.

(6) At least 15% of any lot shall be open space consisting of undisturbed natural features or landscaped areas with a variety of trees, shrubs and ground covers open to the air.

(7) Buffer landscaping may be required to screen buildings within the MBI district from the surrounding area (See § 215-30).

(8) The layout and design of buildings and related improvements will address the land use policies, principles and guides entitled "Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities".

D. Special permit requirements.

(1) Minimum lot size: five acres. In accordance with Town Law 280-a, Mixed business center sites shall be considered as eligible for establishment of open development areas subject to the standards for this district. Minimum lot sizes and other bulk standards shall apply to the overall contiguous site area except for planned or existing streets which would separate any part of the land from the rest of the site. Subsequent to site plan approval, lands in an open development area may be subdivided to lots of less than 5 acres provided that no lot shall be less than 1 acre, and provided that: (a) sufficient parking is provided for each use and building on the lot or in approved shared parking facilities; (b) lot development complies with the approved site plan for the overall site; and (c) satisfactory provisions for the maintenance of all elements of the site are set forth on the site and subdivision plans.

(2) Site design and development must be consistent with the Intent of the MBI district as set forth above.

(3) The site layout shall include improvements on the grounds for use and enjoyment by persons employed on or visiting the site such as a picnic, plaza, seating or garden area or recreational trails. Said improvements should be constructed of pervious materials, to the extent practicable, and may be located in required open space areas.

12. Article V, section 215-34, subsection J shall be revised to include a change to the list of uses, which corresponds to minimum off-street parking requirements, as shown below. The remainder of the list of uses and parking requirements shall remain as currently shown in this subsection of the code.

Article V Supplementary Regulations

J. Off-street parking requirements.

(1) Off-street motor vehicle parking facilities shall be provided as follows, except as may be modified in other provisions of this section or where additional parking requirements may be made as a condition of the issuance of a special permit, in which case provisions of the appropriate section shall apply.

Use	Minimum Off-Street Parking (spaces)
1- and 2-family dwellings	2 for each dwelling unit
Mobile home	2 for each dwelling unit

Multifamily dwelling <u>and accessory apartment</u>	1 1/2 for each dwelling unit
---	------------------------------

13. Article V, section 215-36 Planned Development District., section E. Standards and controls., shall be revised to delete subsection E. (1)(d) requiring that residential dwellings “shall occupy a minimum area of at least 900 square feet.” Subsections E. (1)(a) to (c) shall remain as previously adopted.

14. Article VI, section 215-46. Standards for special permits., subsection A. shall be revised to read as shown below. Subsections B. to K. shall remain as previously adopted:

A. All uses listed in the Schedule of Permitted Uses as special uses are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as an individual case, and they shall conform to but not be limited to the following general requirements as well as the pertinent supplementary regulations. Special uses are subject to the requirements of § [215-47](#), Site plan approval, with the exception of accessory apartments.

ZONING

Schedule of Permitted Uses

	Draft Amendment to Pawling Code	Schedule of Permitted Uses	Draft dated: July 5, 2011
District	Principal Uses	Special Uses	revised March 2, 2012
HA	Dwelling, 1-family Dwelling, 2-family, subject to the provisions of § 215-23 Dwelling units secondary to a business use and not occupying any ground floor area Parks, public and private, excluding commercial facilities	<u>Accessory apartment</u> <u>Bed and breakfast establishments</u> Bus passenger shelter Church or other place of worship Clinic, medical or dental Clubs, private, community, fraternal, recreation Libraries, public and semi-public Subject to site plan approval, the following nonresidential uses: antique store, art gallery, museum, convenience shopping facility, restaurant and smokehouse, which can be accomplished in such a way as to preserve the exterior character of structures in existence at the time of this amendment (10-12-1982) and are consistent with the character of the district [Amended 10-12-1982] Nursery school Post office [Added 4-30-1985 by L.L. No. 2-1985] Public and private water supply system and facilities Public and private sewage disposal facilities Schools, elementary and secondary, private Schools, religious Tourist home or boardinghouse	Accessory Uses Accessory use as define herein Accessory buildings and structures customarily associated with the permitted uses, buildings and other structures Between the yards of a dwelling, a private garage or open parking for operative passenger vehicles of a person residing or visiting on the premises and for not more than 1 commercial licensed vehicle Between the yards of a dwelling, playhouse, tool house, garden house, private swimming pool not operated for gain Customary home occupation as defined herein Signs, subject to the provisions of § 215-40

ZONING

Schedule of Permitted Uses

Draft dated: July 5, 2011
revised March 2, 2012

Accessory Uses

Accessory buildings and structures customarily associated with and incidental to the permitted uses
Off-street parking and loading space for motor vehicles subject to the provisions of § 215-34
Signs, subject to the provisions of § 215-40

District	Draft Amendment to Pawling Code Principal Uses	Schedule of Permitted Uses Special Uses
HB ¹	Animal Husbandry <u>Banks and credit agencies</u> <u>Bed and breakfast establishments</u> Car Wash Automobile body shop Automobile sales and rental Boat, boat trailer and marine accessory sales and rental Building materials sales, including lumberyards Cargo trailer, camping trailer sales and rental Commercial greenhouse and plant nursery, including office and sales yards Construction equipment sales and rental	<u>Accessory apartment</u> Amusement and recreation facilities, indoor and outdoor Dwelling, multifamily, HB only Hospital, clinic Kennel, on site not less than 10 acres Mobile home sales Motor freight terminal Nursing home Quarrying and mining Storage of alcohol, gasoline, crude oil, liquefied petroleum gas or other highly flammable substances subject to the requirements of § 215-41

PAWLING CODE

Schedule of Permitted Uses

Draft dated: July 5, 2011
revised March 2, 2012
Accessory Uses

Draft Amendment to Pawling Code

District **Principal Uses**

HB
(continued)

Eating and drinking establishments, excluding drive-in

Farm, farm use and customary farm occupations
Farm machinery sales and rental
Food, grocery and general merchandise stores
Food preparation, processing and product development including bakery
Furniture store
Home furnishing and equipment store
Ice storage and vending (3 tons or less capacity)
Motel
Motor vehicle service station subject to the provisions of §215-28
Offices, business, professional, research
Personal service establishments
Real estate office
Restaurant
Salesroom or shop of a builder, contractor or artisan
Warehouse
~~Wholesale business~~
Studio or gallery for a performing artist or artist, including instruction
Miscellaneous retail store, including the making of articles to be sold on the premises, provided that any such manufacturing or processing shall be incidental to a retail business and not more than 5 persons shall be employed in such manufacturing or processing

Schedule of Permitted Uses

Special Uses

Mixed business Shopping-center in accordance with an integrated site and architectural plan to be approved by the Planning Board and which may include uses permitted elsewhere in the district and the following for:

Apparel and accessory store

Bakery
Bank

Bar or tavern

Clinic, dental
Clinic, medical
Credit agencies other than banks

Dormitory [**Added 5-14-1985 by L.L. No 3-1985**]
Drug store

Financial establishment
Food stores
Food service establishments
General merchandise store
Grocery store

Hardware store
Insurance carriers, agents, brokers and services
Laundry, coin-operated, dry cleaner

~~Miscellaneous retail store, including the making of articles to be sold on the premises, provided that any such manufacturing or processing shall be incidental to a retail business and not more than 5 persons shall be employed in such manufacturing or processing~~

Motion-picture theater other than drive-in
Professional services
Restaurant

PAWLING CODE

Schedule of Permitted Uses

Veterinary hospital

Warehouse

Wholesale business

ZONING

Schedule of Permitted Uses

Office buildings for business and professional use, including administrative, scientific research and development, educational, statistical, financial and similar activities, and which does not constitute a hazard or nuisance and will meet the criteria of the performance standards in § 215-35

~~Quarrying and mining~~

~~Restaurants and food service establishments~~

Riding academy

~~Storage of alcohol, gasoline, crude oil, liquefied petroleum gas or other highly flammable substances subject to the requirements of § 215-41~~

~~Warehousing, storage buildings~~

~~Wholesale business³~~

Storage of alcohol, gasoline, crude oil, liquefied petroleum gas or other highly flammable substances subject to the requirements of § 215-41

Warehousing, storage buildings

Wholesale business³

NOTES:

¹All uses permitted in the HB Districts are subject to site plan approval and supplemental requirements in 215-31.1.

²All uses permitted in the MBI District are subject to site plan approval and supplemental requirements in 215-31.2.

³The former regulations for the FH District, which immediately followed, were repealed 2-8-2005 by L.L. No. 1-2005.

Planned Development District: See § 215-36.

Environmentally Sensitive Area: See § 215-24.

Draft Amendment to Pawling Code Schedule of Bulk Regulations

Draft dated: July 5, 2011, revised March 2, 2012

ZONING

215 Attachment 2

Town of Pawling

Schedule of Bulk Regulations⁷⁴

[Amended 7-14-1987 by L.L. No. 3-1987; 9-10-1991 by L.L. No.5-1991; 5-8-2001 by L.L. No. 2-2001; 2-8-2005 by L.L. No. 1-2005]

District	Maximum Building			Minimum Area Per Dwelling	Maximum Building	Minimum Yard Dimensions ⁶⁴			
	Area	Frontage	Coverage	(square feet)	Height	Front	One Side	Both Sides	Rear
	(acres)	(feet)	(percent)		(feet)	(feet)	(feet)	(feet)	(feet)
CD	5	350	10	900	35	100	40	100	100
R-4	4	350	10	900	35	100	40	100	100
R-3	3	275	10	900	35	75	30	75	75
R-2	2	200	10	900	35	60	25	60	60
R-1	1	125	10	900	35	50	20	50	50
VRD ¹	1	125	10	900	35	50	20	50	50
HA	½	100	20	900	35	30 ² 25	30 ² 20	60 ⁴ 45	25 ² 25
HB ¹	1 ³²	200 <u>150</u> ⁴	35	900	35	100 ⁵	25	50	30
MBH	1 ³	200	30	NA	35	100	50	100	100

NOTES:

¹ For regulations for multiple-family dwellings, see § 215-32.

² One hundred feet required if off-street parking is permitted in front yard.

³² See § 215-31.1

⁴ Four hundred feet required for shopping centers.

⁵ One hundred fifty feet required if off-street parking is permitted in front yard.

⁶³ See § 215-31.2

⁴ For accessory buildings, see § 215-12.

⁷⁴ Each dwelling unit referred to herein shall contain a minimum of 900 square feet of habitable floor area above ground.

Addendum to Appendix C, Draft Local Law

Section 215-21 Open Space Subdivisions

[Amended 2-13-1979; 2-14-1984; 9-10-1991 by L.L. No. 5-1991; 8-11-1992 by L.L. No. 3-1992; 6-14-2005 by L.L. No. 3-2005]

A. Policy and authority.

- (1) It is the policy of the Town of Pawling, as expressed in the Town of Pawling Master Plan, to provide for a variety of housing options, preserve open space and harmonize new development with the traditional open rural, wooded, agricultural and hamlet landscapes of the Town of Pawling.
- (2) The purpose of an open space subdivision is to maintain the rural appearance and environmental resources of the Town of Pawling by preserving large tracts of contiguous open space land. One method of achieving this goal is through the use of cluster subdivisions. The Town wishes to encourage such subdivisions as an alternative to conventional subdivisions. (Conventional subdivisions comply with the minimum requirements shown on the Schedule of Bulk Regulations *Editor's Note: The Schedule of Bulk Regulations is included at the end of this chapter.* without setting aside land as permanently protected open space).
- (3) In a cluster subdivision, residences are clustered on those portions of a property most suitable for development, leaving substantial portions as protected open space. Cluster subdivisions may include a variety of lot sizes, ranging from large farm or estate lots to small hamlet-sized lots. Cluster subdivisions foster compact development, more walkable neighborhoods, and flexibility in layout.

B. Intent.

- (1) This provision encourages flexibility in the design and development of land in order to promote the most appropriate use of land, to facilitate the adequate and economic provision of streets and utilities and to preserve as permanent open space agricultural land, important natural, ~~and~~ cultural and historic features, wildlife habitat, water resources, ecological systems, and scenic areas for the benefit of present and future residents. A residential open space development (either a cluster or conservation density subdivision) shall achieve the following purposes:
 - (a) Better protection of natural, ~~and~~ scenic and historic resources as identified in the Comprehensive Plan Master Plan and the Zoning Law than would be provided by the conventional subdivision plan;
 - (b) Compatibility with surrounding land uses and the Town's traditional land use patterns in which small hamlets contrast with open spaces and forest lands;
 - (c) Provision of adequate buffers for adjoining properties;
 - (d) Contribution to Town-wide open space planning by creating a system of permanently preserved open spaces, both within large parcels of land and among such parcels throughout the Town, and

by providing linkages between existing open space areas and, where appropriate, linkages to hamlet areas;

(e) Provision of a broader range of housing options and potentially lower housing prices by reducing the length of roadways and other critical infrastructure costs;

(f) Greater flexibility and creativity in the design of residential subdivisions, provided that the overall density of the development is no greater than what is normally allowed in the district.

(2) A cluster subdivision should accomplish the above purposes by reducing the lot size and bulk requirements contained in the Zoning Law, while clustering homes in those areas where they will have the least impact on natural or cultural features. The agricultural lands, forest lands, open space, view sheds or sensitive areas are then permanently preserved through the use of conservation easements. The "open space" principle can be applied not only to large developments but also to smaller subdivisions, enabling the subdivided lots to be smaller than the zoning would normally require, provided that compensating buildable land is placed under open space conservation easements to maintain the overall density at or below the level permitted by the Zoning Law.

C. Purposes of open space subdivisions. The Planning Board may modify lot area and dimensional regulations pursuant to the Municipal Home Rule Law and § 278 of the Town Law and if it finds that an application will fulfill several of the following purposes:

(1) The preservation of land as unsubdivided and undeveloped open space which preserves or enhances the appearance, scenic resources, historic character or natural beauty of an area.

(2) The preservation of land for park and recreation purposes that benefits the entire Town, and not merely the future residents of the subdivision itself.

(3) The preservation of land for purposes of conserving natural resources.

(4) The preservation and protection of particular areas and terrain having qualities of significant scenic natural beauty or historic interest as identified in resource lists set forth by the Town.

(5) The protection of streams, rivers, floodplains and ponds so as to avoid flooding, erosion and water pollution.

(6) Landscape design, which promotes the most appropriate use of land, facilitates the efficient provision of streets and utilities, and preserves the natural and scenic qualities of undeveloped lands.

(7) Maintain biodiversity by ensuring that remaining habitats are of sufficient acreage and configuration to support viable populations of wild flora and fauna species.

D. Additional application requirements for cluster subdivisions.

(1) Application requirements:

- (a)** In addition to the application requirements in the Town of Pawling subdivision regulations, an applicant for a cluster subdivision shall submit a written statement describing the open space purpose(s) to be accomplished and the conservation values [see Subsection [H\(1\)](#)] of the open space land to be protected.
- (b)** The Planning Board shall have architectural review to assure the subdivision is compatible with the community's scenic and historic character and is unobtrusive to the surrounding area.
- (c)** A full landscaping plan shall be submitted to assure that the subdivision is aesthetically pleasing and provides privacy on the lots created.
- (2)** Maximum permitted density. Maximum residential density permitted in a cluster subdivision shall be calculated in the following manner:
- (a)** The net acreage of the parcel shall be determined by subtracting the following constraints from the gross parcel acreage:
- [1]** Wetlands plus buffer areas.
 - [2]** Steep slopes (over 25%).
 - [3]** Water bodies.
 - [4]** Watercourses.
 - [5]** One-hundred-year floodplains.
- (b)** The net parcel acreage calculated in Subsection [D\(2\)\(a\)](#) above shall be multiplied by 0.9, to account for required public rights-of-way, etc.
- (c)** This resulting value shall then be divided by the underlying zoning district minimum lot size to establish a guideline as to the possible maximum lot count to be permitted, which shall still be subject to detailed review by the Planning Board.
- (d)** Should the applicant wish to evaluate a conventional lot count (considering one-family dwellings only) in lieu of the above calculation he/she may do so, although this shall be subject to the Board's review and acceptance. In its evaluation of any conventional layout plan prepared, the Planning Board shall also consider the lot density established by the above calculation in its deliberations on the maximum residential density that will be permitted for the subdivision.
- (3)** Preliminary plat procedures. Once the maximum possible lot count is determined pursuant to Subsection [D\(2\)](#) above, the applicant shall submit a preliminary plat of the parcel showing a subdivision that complies with the Schedule of Bulk Regulations. *Editor's Note: The Schedule of Bulk Regulations is included at the end of this chapter.* This plan shall also comply with applicable requirements of the Town of Pawling Zoning and Subdivision Regulations, the County Department of Health, and all state and federal agencies with jurisdiction over such a subdivision. The Planning Board shall evaluate the plan to determine its probable compliance with applicable regulations,

taking into account soils, slopes, wetlands, and other environmental constraints, as well as the physical and economic feasibility of constructing roads that satisfy maximum grade requirements for siting wells and septic systems on each lot (unless public water and/or sewers are available). The Planning Board may disallow any roads or lots which, in its judgment, would not be buildable under applicable regulations. After reviewing the subdivision plan, the Planning Board shall adopt a resolution establishing the permissible maximum density for the parcel.

- (4)** Parcels in more than one district. For parcels that are located within more than one residential district, calculations shall be made separately for the portion of the parcel in each district. This density may then be combined and distributed anywhere within the parcel, provided that the plan protects open space with conservation value as described in Subsection [G\(1\)](#).
- (5)** Types of dwelling units and dimensional requirements. A cluster subdivision may contain detached, semidetached or attached units, or a combination of these housing types. Section [215-47](#), Site plan approval, shall apply to cluster subdivisions. Application for site plan approval and subdivision approval may be submitted simultaneously to the Planning Board.

(a) Detached and semidetached units.

- [1]** The minimum lot size for detached and semidetached units shall be one acre per dwelling unit with individual wells and septic systems. If lots are connected to municipal or other common water and/or sewage disposal facilities (which may include individual septic tanks with common leach fields), minimum lot sizes shall be 1/2 acre where only water supply or sewage disposal facilities are provided and 1/2 acre where both water supply and sewage disposal facilities are provided.
- [2]** To avoid monotony in design and to ensure variety in housing types, the Planning Board shall require that a wide range of lot sizes be provided. No more than 25% of the lots shall be 1/2 acre in size, which is the minimum lot size. A cluster subdivision must demonstrate sufficient variety in the size of lots and that their configuration is responsive to site conditions.
- [3]** Other bulk dimensional requirements for detached and semidetached units shall be set by the Planning Board at the time of subdivision approval. Perimeter lots shall have the same setback as required in the residence district in which the cluster subdivision is situated. Lots gaining access from an existing state, county or Town highway shall comply with the minimum road frontage and setback requirements for a conventional lot in the district.

(b) Attached units.

- [1]** Attached units shall be permitted as part of a cluster subdivision in any district, provided that their inclusion advances the purposes set forth in § [215-21A, B and C](#).
- [2]** Buildings containing attached units shall be set back at least 125 feet from all property lines, excluding property lines created by the proposed subdivision. No building shall contain more than five units or 10 bedrooms.

[3] The Planning Board shall approve attached units in a cluster subdivision only if it finds that such units will not cause on-site or off-site traffic congestion.

(6) Minimum area of preserved open space land in cluster subdivisions. Since one of the major purposes of an open space subdivision is to preserve open space, all cluster subdivisions shall attempt to preserve the percentages of the parcel(s) shown below as open space. No more than 50% of the open space required to be set aside by this subsection may be land lying in a wetland or watercourse or on slopes over 25%. The Planning Board shall determine whether the open space offered meets the intent of this section.

District	Percentage of Open Space
CD	80%
R-4	70%
R-3	60%
R-2	50%
R-1	40%

E. Arrangements of lots. Lots in open space subdivisions shall be arranged in a manner that protects land with conservation value and at the discretion of the Planning Board facilitates pedestrian and bicycle circulation. The lot layout shall, to the extent practical, follow guidelines published by the New York Planning Federation. Such guidelines shall be adapted to respond to the conditions of each specific site.

F. Preservation of open space land. Preserved open space may be included as a portion of one or more large buildable lots through conservation easements or maybe contained in a separate open space lot. Such open space may be owned by a homeowners' association, private landowner(s), a nonprofit organization, or the Town or another governmental entity, as provided in Subsection **H**, as long as it is protected from development by a conservation easement. The required open space land may not include private yards within 50 feet of a principal structure.

G. Identification of preserved open space. Land set aside as permanent open space shall be specifically identified in any open space subdivision plan. It may, but need not be, a separate tax parcel. Such land may be included as a portion of one or more large parcels on which dwellings and other structures are permitted, provided that a conservation easement is placed on such land pursuant to Subsection **G(1)** below, and provided that the Planning Board finds that such configuration will not fragment the open space in a manner that detracts from its conservation value or interferes with appropriate resource management.

(1) Conservation value of open space. The open space protected in connection with an open space subdivision should not be just land "left over" because of its unsuitability for development. Open space land shall form cohesive blocks or corridors that have conservation value, including recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value. Examples of lands with conservation value include actively farmed agricultural land, large areas of

contiguous mature forest, wetlands, floodplains, water bodies, stream corridors, and scenic areas, including important vistas or view sheds seen from public places. Land in a critical environmental area (CEA), land designated as an Environmentally Sensitive Area under § [215-24](#), and land identified as open space worthy of preservation in the Town's Master Plan shall be deemed to be land of conservation value. Land of conservation value shall be included for purposes of calculating density in Subsection [D\(2\)\(a\)](#), unless it is discounted in that section as open water, wetland, floodplains or steep slopes. Whenever the Planning Board approves a plan with protected open space, it shall make written findings identifying the specific conservation values protected and the reasons for protecting such land.

- (2)** Notations on plat. Preserved open space land shall be clearly delineated and labeled on the final subdivision plat as to its use, ownership, management, and the rights, if any, of the owners of other lots in the subdivision to such land. The plat shall clearly show that the open space land is permanently reserved for open space purposes and shall contain a notation indicating the fiber and page of any conservation easements required to be recorded to implement such restrictions.

H. Ownership of open space land.

- (1)** Open space land may be owned in common by a homeowners' association (HOA), dedicated to Town, county, or state governments, transferred to a nonprofit organization acceptable to the Town Board, held in private ownership, or held in such other form of ownership as the Town Board finds adequate to properly manage the open space land and to protect its conservation value.
- (2)** If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:

 - (a)** The HOA must be set up before the final subdivision plat is approved and must comply with all applicable provisions of the General Business Law.
 - (b)** Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance and maintenance of common open space, private roads, and other common facilities.
 - (c)** The open space restrictions must be in perpetuity.
 - (d)** The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and private roads.
 - (e)** Property owners must pay their pro rata share of costs in Subsection [H\(2\)\(d\)](#) above, and the assessment levied by the HOA must be able to become a lien on the property.
 - (f)** The HOA must be able to adjust the assessment to meet changed needs.
 - (g)** The applicant shall make a conditional offer of dedication to the Town, binding upon the HOA, for all open space to be conveyed to the HOA. Such offer may be accepted by the Town, at the discretion of the Town Board, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or

upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.

(h) Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.

(i) The attorney for the Planning Board shall find that HOA documents presented satisfy the conditions in Subsection [H\(2\)\(a\)](#) through [\(h\)](#) above and such other conditions as the Planning Board shall deem necessary.

I. Maintenance standards.

(1) Ongoing maintenance standards shall be established, enforceable by the Town against an owner of open space land as a condition of subdivision approval, to ensure that the open space land is not used for storage or dumping of refuse, junk or other offensive or hazardous materials.

(2) If the Town finds that the provisions of Subsection [I\(1\)](#) above are being violated such that the condition of the land constitutes a public nuisance, it may, upon 30 days' written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or, in the case of an HOA, the owners of properties within the development and shall, if unpaid, become a tax lien on such property or properties.

J. Utilities.

(1) Where, in the opinion of the Planning Board, connections to existing facilities are possible and warranted, sanitary sewers and/or water mains and fire hydrants to be installed in a cluster subdivision shall be connected to such existing facilities in the manner prescribed by the regulations of the appropriate sewer, water or fire district or other agency having jurisdiction.

(2) Where connection to existing public water and/or sewerage facilities is not possible, the Planning Board, at its discretion, may require that a central water supply and/or sewerage treatment system shall be designed and constructed by the applicant to serve all dwelling units within the cluster subdivision, in accordance with the standards of appropriate county, state or federal health or environmental departments.

(3) Where part or all of a cluster subdivision is to be located within an area or drainage basin planned for future service by public water and/or sewerage systems or recommended for such system or systems by the Town Comprehensive Plan, any water or sewerage facilities within the cluster subdivision shall be designed and located in such a way as to readily permit their connection to the public systems at such time as they are constructed.