

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

Draft dated: July 5, 2011; revised June 11, 2012

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.

BUILDING FOOTPRINT - Area of the ground covered by a building, including the foundation and all areas enclosed by exterior walls and footings and covered by roofing.

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.

MULTIPLE USE 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 multiple use centers.

SHOPPING CENTER – An area where two or more businesses engaged in retail trade have public entrances on a single common off-street parking area that is available to the public. A shopping center is a group of commercial establishments planned, constructed and managed as a total entity. [Amended 5-8-2001 by L.L. No. 2-2001]

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 accessory apartments to the R-1 to R-4 and CD zoning districts;
- Add bed-and-breakfast establishments and accessory apartments to the HA zoning district;
- Provide a broader range of uses in the HB zoning district;
- 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 have more than 2 bedrooms or exceed 1,200 square feet of floor area.

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 have more than 2 bedrooms or exceed 1,200 square feet of floor area.

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, section 215-21, regarding Open Space Subdivisions, subsections B. (1)(a); C. (1) and C. (4); and D. (1)(b) shall be revised to read as shown below. Subsections A., all remaining subsections of B. through D. and subsections E. through J. shall remain as previously adopted:

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;

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.

(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.

(D) Additional application requirements for cluster subdivisions.

(1) Application requirements:

(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.

10. 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:

11. 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 ~~multiple use shopping~~ centers. Because large lots and ~~multiple use 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.

~~12~~ 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.

B. Concept plan review.

(1) This part of review permits an applicant to submit his concept for a Mixed Business Industry development without incurring the significant costs of detailed planning for discussion with the Planning Board. The Board will review the concept plan as early as possible in the project review to discuss whether the proposal generally complies with the pertinent supplemental regulations herein and the Comprehensive Plan for the Town of Pawling.

(2) The submittal for concept plan shall be filed with the Planning Board and shall contain the following information:

(a) A vicinity map sketched to a scale of 2,000 feet to the inch, showing land owned by the applicant; and indicating the relationship of the site to existing community facilities which serve it, such as roads, shopping, schools, etc.

(b) Resource analysis map(s) of the site showing:

[1] Soil types and boundaries; and bedrock outcrops.

[2] Topography; and steep slopes (over 25%).

[3] Wetlands plus buffer areas; wet areas; water bodies; and watercourses.

[4] One-hundred-year floodplains.

[5] Vistas and viewsheds into or out of the property.

[6] Areas of contiguous forest lands and wooded areas.

[7] Nearby significant topographic features and historical structures.

[8] Existing parklands, recreational and/or public open space.

(c) A conceptual drawing of the entire proposed development showing:

[1] The outer perimeters of the site, including the use of abutting lands and connections to community roads, pedestrian pathways and transportation, water supply and sewage disposal.

[2] Location and identification of proposed uses, structures, including landscaped and open spaces and associated amenities.

[3] An outline of the interior roadway system, parking areas and the connection to existing roadways.

[4] Any other information which would assist in the review of the applicant's concept.

(d) A general report prepared by the applicant about the compatibility of the concept with the Comprehensive Plan of the Town of Pawling.

(3) Within 30 days of the submittal of the above materials, the concept plan shall be discussed at a Planning Board meeting. The applicant shall be permitted to present the concept. The Planning Board will provide comments and recommendations about the site, its resources, the concept plan and compatibility with the Comprehensive Plan.

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) No building footprint shall exceed 80,000 square feet.

(c) Retail floor area shall not exceed forty percent (40%) of the total floor area on a site in an MBI zoning district. Any subdivision of lot in an MBI district shall include permanent controls on the use of the

resulting lots to maintain the required proportion of retail to non-retail use. Such controls shall be in a form satisfactory to the Town Attorney.

(d) 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 prohibited 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. Such landscaping shall include at least 1 tree for every 10 parking spaces.

(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. Permanent preservation and maintenance of such areas shall be assured by appropriate controls including plan notation, restrictions, covenants and easements in form satisfactory to the Town Attorney.

(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, multiple use 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.

13. Article V, section 215-33, subsection E. regarding conforming uses, conforming buildings on nonconforming lots, shall be revised to read as shown below. Subsections A. through D. and F. shall remain as previously adopted:

E. Conforming uses, conforming buildings on nonconforming lots. Any enlargement of a building must conform to all setback requirements of the zoning in which it is located. In the Whaley Lake Dam District, any lot lawfully created prior to the year 2012, that does not meet the lot area requirement may be permitted a reduction in minimum side yard dimensions such that no side yard shall be less than 8 feet; and the total of both side yards is no less than twenty feet.

14. 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 and accessory apartment	1 1/2 for each dwelling unit

15. Article V, section 215-36 Planned Development District., subsections D. (3); and E. (1)(d) shall be revised as described below. Subsections A. through C., all remaining subsections and paragraphs of D. and E. and subsections F. through I. shall remain as previously adopted:

- Subection D. (3) regarding industry and office uses shall be revised to insert a new use “(b) Lodging and conference-event center”. The remaining industry and office uses in subsection D. (3) shall be re-lettered as (c) through (f). The rest of subsection D. shall remain as previously adopted.
- Subsection 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.

16. Article VI, section 215-46. Standards for special permits., subsections A. and D. shall be revised to read as shown below. Subsections B., C., and E. 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.

D. Notice to abutting property owners. At the time of application referral to the Planning Board, the Town Clerk shall notify all abutting landowners by mail with respect to the application for a special permit. ~~Notice to property owners. At least seven days before the hearing, the applicant shall mail notice to property owners as follows:~~

(1) Form and content. Such notice shall include the name of the applicant, the location of the parcel of land and a brief description or identification of the proposal; and shall also specify the date, time and place of the public hearing.

(2) Transmittal. Such notice shall be sent by United States Postal Service certified or registered mail to the owners of all lots in the Town which are within 300 feet of the parcel to which the application pertains, which owners and their addresses shall be as indicated in the current Town Tax Assessor's records.

(3) Certification. Prior to or at the time of the public hearing, the applicant shall provide to the Planning Board a copy of the required notice, a list of all the owners to whom such notice was mailed and either an affidavit that the mailing was completed as required herein or copies of all mailing receipts.

17. Article VI, section 215-47 Site plan approval., subsections A. and B. shall be revised to read as shown below. Subsections C. through J. shall remain as previously adopted:

A. Planning Board approval required. The following are subject to site plan approval: all special uses in Districts R-1 through CD, VRD and HA with the exception of accessory apartments; all uses in a Highway Business or Mixed Business Industry District and planned developments and all commercial, industrial, highway business, PDD and special uses where the original use has been changed or altered. Before the issuance of any building permit for a use requiring site plan approval, as specified by the Schedule of

Bulk Regulations, the detailed site plan for such use shall be approved by the Planning Board. [Amended 2-13-1979; 9-10-1991 by L.L. No. 5-1991]

B. Application, referral and hearing. Applications for site plan approval shall be made, in writing, to the Planning Board. The Planning Board shall make referrals as required herein; and shall fix a time within 45 days from the day an application for site plan approval is made for a public hearing. Public notice of such hearing shall be provided as set forth below. shall be given by publication in the official Town newspaper of such hearing at least five days prior to the date of public hearing. Within 45 days of said hearing, the Planning Board shall approve, approve with modifications or disapprove the site plan. The decision of the Planning Board shall be filed in the office of the Town Clerk.

(1) Publication. At least five days before a scheduled hearing, a notice shall be published in a newspaper of general circulation designated by the Town as its official newspaper for publication of such notices.

(2) Notice to property owners. At least seven days before the hearing, the applicant shall mail notice to property owners as follows:

(a) Form and content. Such notice shall include the name of the applicant, the location of the parcel of land and a brief description or identification of the proposal; and shall also specify the date, time and place of the public hearing.

(b) Transmittal. Such notice shall be sent by United States Postal Service certified or registered mail to the owners of all lots in the Town which are within 300 feet of the parcel to which the application pertains, which owners and their addresses shall be as indicated in the current Town Tax Assessor's records.

(c) Certification. Prior to or at the time of the public hearing, the applicant shall provide to the Planning Board a copy of the required notice, a list of all the owners to whom such notice was mailed and either an affidavit that the mailing was completed as required herein or copies of all mailing receipts.

18. Article VII, section 215-52 Zoning Board of Appeals., shall be revised to reword subsection E.(1) and as a new subsection F. as described below. Subsections A. through D. and E.(2) and (3) shall remain as previously adopted:

E. Procedure. The Board of Appeals shall act in strict accordance with the procedure specified by law and by this chapter. All appeals and applications made to the Board of Appeals shall be in writing, on forms prescribed by the Board of Appeals and accompanied by a fee to be determined by the Town Board. Every appeal or application shall refer to the specific provision of the chapter involved and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Where placement of buildings is concerned with relation to lot dimensions, a sketch drawn to an accurate scale must accompany the application.

(1) Hearing. The Board of Appeals shall fix a reasonable time for the public hearing of any appeal or other matter referred to it and shall give public notice thereof as follows:

(a) by the Publication in the official newspaper of a notice of such hearing at least 10 days prior to the date thereof.

(b) Notice to property owners. At least seven days before the hearing, the applicant shall mail notice to property owners as follows:

(1) Form and content. Such notice shall include the name of the applicant, the location of the parcel of land and a brief description or identification of the proposal; and shall also specify the date, time and place of the public hearing.

(2) Transmittal. Such notice shall be sent by United States Postal Service certified or registered mail to the owners of all lots in the Town which are within 300 feet of the parcel to which the application

pertains, which owners and their addresses shall be as indicated in the current Town Tax Assessor's records.

(3) Certification. Prior to or at the time of the public hearing, the applicant shall provide to the Zoning Board of Appeals a copy of the required notice, a list of all the owners to whom such notice was mailed and either an affidavit that the mailing was completed as required herein or copies of all mailing receipts.

F. Expiration of appeal decision. Unless otherwise specified by the Zoning Board of Appeals, a decision on any appeal shall expire if the applicant fails to obtain any necessary building permit within 12 months of the date of such decision.

19. The Code of the Town of Pawling, Chapter A230. Subdivision of Land., Article III, section A230-13, subsections B. and F. shall be revised to read as follows. Subsections A., C. to E., G. and H. shall remain as previously adopted.

B. Public hearing. Before the Planning Board acts on any preliminary plat, it shall hold a public hearing thereon in accordance with § 276 of the Town Law within 62 days of receipt of the preliminary plat by the ~~Chairman of the Planning Board or the Town Clerk~~. Public notice of such hearing shall be provided as set forth below:

(1) The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before the date of the hearing. ~~[Amended 2-8-2005 by L.L. No. 1-2005]~~

(2) Notice to property owners. At least seven days before the hearing, the applicant shall mail notice to property owners as follows:

(a) Form and content. Such notice shall include the name of the applicant, the location of the parcel of land and a brief description or identification of the proposal; and shall also specify the date, time and place of the public hearing.

(b) Transmittal. Such notice shall be sent by United States Postal Service certified or registered mail to the owners of all lots in the Town which are within 300 feet of the parcel to which the application pertains, which owners and their addresses shall be as indicated in the current Town Tax Assessor's records.

(c) Certification. Prior to or at the time of the public hearing, the applicant shall provide to the Planning Board a copy of the required notice, a list of all the owners to whom such notice was mailed and either an affidavit that the mailing was completed as required herein or copies of all mailing receipts.

F. Public hearing. Before the Planning Board acts on any final subdivision plat previously having received preliminary plat approval, it shall hold a public hearing thereon in accordance with § 276 of the Town Law, within 62 days of the submission of the plat in final form, ~~which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing.~~ Public notice of such hearing shall be provided in the same manner as set forth herein for the hearing for a preliminary plat. The Planning Board shall approve, conditionally approve with or without modifications or disapprove the final plat within 62 days of the public hearing. The Planning Board shall notify the applicant, in writing, of its decision, and the grounds for disapproval of any plat shall be stated on the records of the Planning Board. The time within which the Planning Board shall act on the final plat may be extended by mutual consent of the subdivider and the Planning Board. The Planning Board may waive the public hearing on the final plat if it is deemed to be in substantial agreement with an approved preliminary plat.

ZONING

Schedule of Permitted Uses

Draft Amendment to Pawling Code		Schedule of Permitted Uses		Draft dated: June 11, 2012
District	Principal Uses	Special Uses		Accessory Uses
R-1 through R-4 and CD	Animal husbandry	Accessory Apartment		Accessory use as defined herein
	Dwelling, 1 -family	Airfield		Accessory buildings and structures customarily associated with the permitted uses, buildings and other structures
	Dwelling, 2 family, subject to the provisions of § 215-23	Bus passenger shelter	Camp	Yards on the same lot as a dwelling may contain a private garage or open parking area for operative passenger vehicles of person residing or visiting on the premises and for not more than 1 commercial licensed vehicle, if meeting setback requirements
	Farm, farm use and customary farm occupations	Carnival		Yards on the same lot as a dwelling may contain a playhouse, toolhouse, garden house or private swimming pool not operated for gain, if meeting setback requirements. Customary home occupation as defined herein
	Forest nurseries, tree seed gathering and extracting, gathering of gums and barks	Cemetery		
	Forestry services Parks, public and private, excluding commercial facilities Stable, private	Church or other place of worship Circus		Signs, subject to the provisions of § 215-40
	Timber tract	Clubs, private, community, fraternal, recreation, rod and gun Educational institutions of higher learning on a site not less than 100 acres		
	Wildlife preserve, private	Farm, cage-type poultry, on a site not less than 50 acres Farm, fur, on a site not less than 100 acres Funeral Home Golf course Hospital, clinic Hospital, animal or veterinary clinic on a site not less than 10 acres Kennel on a site not less than 10 acres Libraries, public and semipublic Museums, public and semipublic Nursery school Nursing Home Pet cemetery Public and private water supply system and facilities - Public and private sewage disposal facilities Public utility electrical transmission lines Public utility substation Radio or television transmission and receiving facilities with their customary appurtenances Riding academy Roadside stand, not more than 1 per farm		

ZONING

Schedule of Permitted Uses

	Draft Amendment to Pawling Code	Schedule of Permitted Uses	Draft dated: July 5, 2011
District	Principal Uses	Special Uses	finalized June 5, 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 June 5, 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	[REDACTED]
	<u>Banks and credit agencies</u>	Amusement and recreation facilities, indoor and outdoor
	<u>Bed and breakfast establishments</u>	
	Car Wash	Dwelling, multifamily, HB only
	Automobile body shop	Hospital, clinic
	Automobile sales and rental	Kennel, on site not less than 10 acres
	Boat, boat trailer and marine accessory sales and rental	Mobile home sales
	Building materials sales, including lumberyards	Motor freight terminal
	Cargo trailer, camping trailer sales and rental	Nursing home
	Commercial greenhouse and plant nursery, including office and sales yards	Quarrying and mining
Construction equipment sales and rental	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 June 5, 2012
Accessory Uses

District	Principal Uses
<u>HB</u> <u>(continued)</u>	Eating and drinking establishments, excluding drive-in
	Farm, farm use and customary farm occupations
	Farm machinery sales and rental
	<u>Food, grocery and general merchandise stores</u>
	<u>Food preparation, processing and product development including bakery</u>
	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
	<u>Studio or gallery for a performing artist or artist, including instruction</u>
	<u>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</u>

Schedule of Permitted Uses	Special Uses
	Multiple use 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

Draft Amendment to Pawling Code

District

MBI² †

Principal Uses

Animal husbandry

Amusement, **cultural** and recreation facilities, indoor and outdoor

Banks, credit agencies and financial establishments

Bar or tavern

Clinic, medical or dental

Any industrial or manufacturing use, including the fabrication, converting, processing, altering, assembly or other handling of products, the operation of which uses only electric power not generated on site and which use does not constitute a hazard or nuisance and will meet the criteria of the performance standards in §215-35

Farm, farm use and customary farm occupations

Food preparation, processing and product development including bakery

Forest nurseries, tree seed gathering and extracting, gathering of gums and barks

Forestry Services

Insurance carriers, agents, brokers and services

Lodging and conference-event center

Schedule of Permitted Uses Schedule of Permitted Uses

Special Uses

Any industrial or manufacturing use, including the fabrication, converting, processing, altering, assembly or other handling of products, the operation of which uses only electric power not generated on site and which use does not constitute a hazard or nuisance and will meet the criteria of the performance standards in §215-35

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

Hospital, clinic and nursing home

Motor freight terminal

Nursery school

Retail store selling one or more types of merchandise or services, including but not limited to food, grocery and general or specialty merchandise

Multiple use 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
a. Laundry, coin-operated, dry cleaner

b. 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

c. Motion-picture theater other than drive-in

d. Veterinary hospital

Draft dated: July 5, 2011

revised June 5, 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

ZONING

Schedule of Permitted Uses

~~Motor freight terminal~~

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	Area (acres)	Frontage (feet)	Maximum Building Coverage (percent)	Minimum	Maximum Building Height (feet)	Minimum Yard Dimensions ⁶⁴			
				Area Per Dwelling (square feet)		Front	One Side	Both Sides	Rear
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	200 150 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.