ZONING LAW

Town of Poughkeepsie, New York

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Zoning Law Public Review Draft
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Chapter 210 - ZONING

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ARTICLE I
GENERAL PROVISIONS

§ 210-1. Title.

A) This chapter shall be known and may be cited as the "Zoning Law of the Town of Poughkeepsie, Dutchess County, New York."

§ 210-2. Scope.

A) This chapter regulates and restricts the location, construction, alteration and use of buildings and structures and the development and use of land within the Town of Poughkeepsie and for said purposes divides the Town into zoning districts.

§ 210-3. Legislative authority; purpose.

A) This Chapter 210 of the Town of Poughkeepsie Town Code is enacted pursuant to the authority and power granted by the Municipal Home Rule Law of the State of New York and the Town Law of the State of New York, in conformance with the 2006 Poughkeepsie Town Plan duly adopted by the Town Board. As stated herein, specific sections of Article 16 of the Town Law have been superseded by this Local Law pursuant to the authority of Section 10 of the Municipal Home Rule Law.

B) This Chapter is adopted to protect and promote the health, safety, comfort, convenience, economy, aesthetics and general welfare and for the following additional purposes:

1) To guide the future development of the Town in accordance with the Town Plan of land use so that the Town may realize its potential as a place to live and to work, with the most beneficial and convenient relationships among the residential, commercial and industrial areas within the Town and with due consideration to:

a) The character of the district and its peculiar suitability for particular uses.

b) Existing conditions and trends in population, economic activity, land use and building development.

c) Conserving the value of buildings and neighborhoods by encouraging the most appropriate use of land throughout the Town.

2) To prevent the pollution of streams, ponds and all other water resources, to prevent floods and to encourage the wise use and sound management of natural resources throughout the Town in order to preserve the integrity, stability and beauty of the community and the value of the land.

3) To protect the character and the social and economic stability of all parts of the Town and to enhance the appearance of the Town as a whole by ensuring that all development shall be orderly and beneficial to the Town, by eliminating inappropriate and poor quality design in the exterior appearance of structures and by controlling the erection and maintenance of signs throughout the Town.

4) To protect residential areas and to provide privacy for families by the preservation of such areas from, among others, the visual intrusion of nonresidential uses and, wherever reasonable, by the elimination of nonconforming uses which exert a deleterious influence on their surroundings.

5) To facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.

6) To make provision for access to sunlight and the accommodation of solar energy systems

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and equipment and other alternative energy systems.

§ 210-4. Severability.

A) If any part of this Chapter is declared to be invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of said Chapter as a whole, or any other part of said Chapter. The Town Board hereby declares that it would have adopted this Chapter and each part thereof irrespective of the fact that any one (1) or more of the parts may be declared invalid.

§ 210-5. Supercession of inconsistent laws.

A) To the extent that this section is inconsistent with Town Law §§ 261-b, 261-c, 265-a, 267-a, 274-a, 274-b, 276, 277, 278 or any other provision of Article 16 of the Town Law, the provisions of this Chapter are expressly intended to and do hereby supersede any such inconsistent provisions.

§ 210-6. Effective Date.

A) This Local Law, together with the Zoning Map, shall take effect upon filing with the Secretary of State.

§ 210-7. Reserved.

ARTICLE II
DEFINITIONS AND WORD USAGE

§ 210-8. Word usage.

A) Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

B) Words used in the present tense include the future tense.

C) Words used in the singular include the plural, and words used in the plural include the singular.

D) The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.

E) The word "lot" shall include the word "plot" or "parcel" or "tract".

F) The word "shall" is always mandatory and not merely directory.

G) The word "structure" shall include the word "building" and any man-made object or improvement.

H) The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

I) The words "Zoning Map," shall mean the "Zoning Map of the Town of Poughkeepsie, New York."

J) Unless the context requires a different interpretation, any word denoting gender includes the female and the male.

K) The term "Town Board" shall mean the Town Board of the Town of Poughkeepsie, New York.

L) The term "Planning Board" shall mean the Planning Board of the Town of Poughkeepsie, New York.

M) The term "Zoning Board of Appeals" and "Zoning Board" shall mean the Zoning Board of Appeals of the Town of Poughkeepsie, New York.

N) The term "Building Inspector" and "Zoning Enforcement Officer" shall mean the Building Inspector or Zoning Enforcement Officer, respectively, of the Town of Poughkeepsie, New York.

O) The term "Department of Planning" shall mean the Department of Planning of the Town of Poughkeepsie, New York.

§ 210-9. Definitions.

A) Specific Terms. When used in this Chapter, unless otherwise expressly stated or unless the context or subject matter otherwise requires, the following definitions shall apply.

ACCESS ROAD, ACCESS WAY – A way or means of approach to provide vehicular or pedestrian physical entrance to a property. An access way may be a public or privately owned and maintained.

ACCESSORY APARTMENT -- A dwelling unit which is subordinate to the principal one-family dwelling in terms of size, location and appearance and provides complete housekeeping facilities for one family, including independent cooking, bathroom and sleeping facilities, with physically separate access from any other dwelling unit or use.

ACCESSORY APARTMENT IN COMMERCIAL DISTRICT -- A dwelling unit in a permitted commercial district which is subordinate to the principal commercial use. The dwelling is generally located within the commercial building footprint and provides complete housekeeping facilities for one or more families, including independent cooking, bathroom and sleeping facilities.

ACCESSORY STRUCTURE -- A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

ACCESSORY USE -- A use incidental to and on the same lot as a principal use.

ACREAGE:

- GROSS -- The total acreage of a parcel or parcels of land proposed for subdivision and/or development, as determined by a certified survey.
- NET -- The gross acreage of a parcel of land minus the acreage of constrained land and lands that are proposed to be occupied by public utility easements and/or central services (i.e. storm water, water supply, and/and sewage disposal facilities). It is this figure into which the minimum lot size per dwelling unit is to be divided to determine the buildable area and the buildable yield of a lot or property proposed for development.

ADAPTIVE REUSE, REUSE - Contemporary use of an existing building or structure for a use other than that for which it was originally designed, intended or occupied, e.g., use of a former barn as a residential dwelling. This shall include the expansion of the existing building or structure by not more than twenty-five (25%) of the existing gross floor area. An expansion of an existing building or structure by more than 25% shall be deemed to be a "Redevelopment".

ADJACENT PROPERTY -- Any property adjoining, directly opposite, or within 100 feet of the boundary of any portion of subject parcel. This definition shall include all property separated by a street or within 100 feet of the street frontage of subject parcel.

ADULT BUSINESS USE -- Any use or business that:

A) Is any use of land, structure or location which, by the provisions of the Penal Law, is required to restrict the access thereto by minors; and

B) Is an establishment, location, building or structure which features topless dancers, nude dancers or strippers, male or female; and

C) Is a location, building or structure used for presenting, lending or selling motion-picture films, videocassettes, cable television or any other such visual media, or used for presenting, lending or selling books, magazines, publications, photographs or any other written materials distinguished or characterized by an emphasis of matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below:

1) SPECIFIED SEXUAL ACTIVITIES

a) Human genitals in a state of sexual stimulation or arousal; or

b) Simulated and actual acts of human masturbation, sexual intercourse or sodomy; or

c) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast.

2) SPECIFIED ANATOMICAL AREAS

a) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; or

b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

D) Is the use of land, structures or location for an adult entertainment business or as an adult physical contact establishment as defined below:

1) ADULT ENTERTAINMENT BUSINESS -- including adult bookstores, adult video stores, adult theaters, adult cabarets, adult physical contact establishment, and nude modeling studios, shall be defined as follows:

a) ADULT BOOKSTORE -- An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below.

b) ADULT VIDEO STORE -- An establishment having as a substantial or significant portion of its stock-in-trade video films, videocassettes or other films for sale or rental which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below.

c) ADULT THEATER – An establishment which regularly features live performances, films, motion pictures, videocassettes, DVD's, slides or similar photographic reproductions characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" as defined herein. An adult theater shall also include drive-in theaters and establishments where such materials or performances are viewed from one (1) or more individual enclosures or booths.

d) ADULT CABARET -- An establishment which features live topless dancers, exotic dancers, strippers, male or female, male or female impersonators or similar entertainers whose performances are characterized by partial or full nudity.

e) ADULT PHYSICAL CONTACT ESTABLISHMENT -- Any establishment which offers or purports to offer massage or other physical contact to patrons of either gender by employees or staff of either gender. Medical offices, offices of persons licensed or authorized under the Education Law to practice massage therapy, offices of persons licensed or otherwise authorized by the Education Law as physical therapists or physical therapist assistants and electrolysis, karate, judo and dance

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studios are not to be considered adult physical contact establishments.

f) NUDE MODEL STUDIO -- Any place where a person who appears seminude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. "Nude model studio" shall not include a proprietary school licensed by the State of New York or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

(i) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing; and

(ii) Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and

(iii) Where no more than one (1) nude or seminude model is on the premises at any one (1) time.

AGRICULTURE EXCLUDING FARM ANIMALS -- The production and sale of field and orchard crops, including landscape plant materials. The offering for sale or selling of any such agricultural products at retail to the public from a farm market shall not be construed as an agricultural use unless such offerings or sales are exclusively of agricultural commodities grown on the parcel where the market is located.

AGRICULTURE INCLUDING FARM ANIMALS -- The production, preservation and sale of field and orchard crops, livestock, poultry and dairy products. The offering for sale or selling of any agricultural products at retail to the public from a farm market shall not be construed as an agricultural use unless such offerings or sales are exclusively of agricultural commodities grown or produced on the parcel where the market is located.

ALLEY - A narrow street or passage between properties or buildings serving as a secondary means of access to abutting property.

ALTERATION -- Any change or rearrangement in the structural parts or an enlargement, whether by extension on any side or by an increase in height, or the moving of a structure from one location to another or the demolition of a structure.

ALTERNATE CARE HOUSING -- Facilities which include but are not limited to family care homes for the elderly (55 years of age or older), private property homes for the elderly (55 years of age or older), proprietary homes for the elderly (55 years of age or older), proprietary residences for the elderly (55 years of age or older), nursing homes, domiciliary care facilities and like facilities.

AMUSEMENT GAME MACHINE -- A machine or device, whether mechanical, electrical or electronic, which shall be ready for play by the insertion of a coin, token or other similar object and may be operated for use as a game, entertainment or amusement, the object of which is to achieve either a high or a low score, which by comparison with the score of other players, whether playing concurrently or not, demonstrates relative skill or competence or indicates in any other way competitive advantage of one player or team over another, regardless of skill or competence. It shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real or fanciful games or activities.

AMUSEMENT MACHINE COMPLEX -- A group of more than three amusement game machines or other amusement machines in the same place, location or premises, whether as a principal or accessory use.

AMUSEMENT MACHINE, OTHER -- A machine or device, not including an amusement game machine, which, by the insertion of a coin, token or other similar object, provides a rise, sensation,

electronic reading or weight, photograph, lamination or other item of merchandise provided at random among other items of merchandise.

ANIMAL HOSPITAL -- A building primarily for the medical and/or surgical care of sick or injured animals.

ANTENNA -- Any system of poles, rods, wires, reflecting disks or similar devices used in the transmission or reception of electromagnetic waves external to or attached to the exterior of any building (see also "satellite dish and microwave antenna").

APPLICATION, COMPLETE - An application that includes the following:

A) A completed application form together with all information concerning a proposed project in the format as specified by the applicable provisions of this Chapter;

B) All application fees required by this Chapter and the professional review fee escrow deposit, if any, required by the reviewing agency;

C) An EAF or DEIS assessing the potential environmental impacts of the proposed project;

D) A determination by the reviewing agency, or by the lead agency in the event of coordinated review, that the proposed project is not likely to have a significant impact on the environment (Negative Declaration), or the filing of a notice of completion of a Draft Environmental Impact Statement in accordance with the provisions of SEQRA.

AQUACULTURE, MARICULTURE -- The science, art, and business of cultivating marine or freshwater food fish or shellfish, such as oysters, clams, salmon, and trout, under controlled conditions.

ART GALLERY – A place where art is displayed for exhibition and/or sale.

ATTIC -- That space of building which is immediately below and wholly or partly within the roof framing. An "attic" with a finished floor shall be counted as 1/2 story in determining the permissible number of stories.

AWNING -- Any movable roof-like structure cantilevered, or otherwise entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening or rolled or folded back to a position flat against the building or a cantilevered projection thereof or which is detachable. A canopy is not included in this definition.

BAKERY, RETAIL -- An establishment which sells baked goods directly to the public on premises. Goods may or may not be baked on premises.

BAKERY, WHOLESALE -- An establishment which produces and sells baked goods primarily to other establishments, produced primarily for sale off the premises and only incidentally directly to the public on the premises.

BAR, TAVERN -- An establishment licensed under the laws of New York State primarily for the sale and consumption on premises of alcoholic or nonalcoholic beverages and which may provide live entertainment. Food may also be served, but it is secondary and incidental to the business. A grill, nightclub, cabaret, saloon, pub, public house, beer garden or similar establishment shall be considered to be a “bar” or a “tavern”.

BASEMENT -- That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building. A "basement" shall be counted as one story in determining the height of a building if it meets the criteria as habitable space as defined in the New York State Building Codes.

BED-AND-BREAKFAST -- A single structure affording overnight accommodations and limited food services to guests.

BEDROOM -- All rooms in single family, multifamily, row and group dwellings beyond one (1)

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kitchen, living room and dining room or area per dwelling unit. For the purpose of determining the number of bedrooms in a proposed multifamily or townhouse dwelling, all dwelling units shall be rated as having at least one (1) "bedroom" (example: studio apartment).

BILLBOARD -- A sign or structure which directs attention to any idea, product, business activity, service or entertainment which is conducted, sold or offered elsewhere than upon the lot on which such sign is situated.

BOARDINGHOUSE -- A building, other than a hotel, where lodging and meals for five or more persons are provided for compensation. These rooms, individually or collectively, do not constitute separate dwelling units.

BOUTIQUE -- A small retail shop specializing in gifts, fashionable clothes and accessories.

BUFFER AREA, BUFFER ZONE – Open space, landscape areas, fences, walls, berms or any combination thereof used to physically separate or screen one (1) use or property from another use or property so as to visually shield or block noise, light, or other nuisances.

BUILDABLE AREA – The space remaining on a lot after the minimum yard, area and bulk requirements of this Chapter have been met, or that area of the lot for which a variance from said minimum yard, area and bulk requirements has been granted by the Zoning Board of Appeals.

BUILDABLE LOT – A lot having a buildable area capable of accommodating proposed principal and accessory improvements, and including, where required, an on-site water supply facility and sewage treatment system that meet the standards of the Dutchess County Department of Health. A buildable lot shall also adjoin and have access to an improved street, or shall adjoin and have access to a proposed street that will be improved as part of the development plan for the lot.

BUILDABLE YIELD – The number of potential building lots or the maximum unit density for a proposed subdivision after deduction of constrained land areas and public improvements on the parent parcel and the minimum yard, area and bulk requirements for each proposed lot have been met.

BUILDING -- Any structure which is permanently affixed to the land, has one or more floors and a roof supported by walls or columns and is intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY -- A building detached from and subordinate to a principal building on the same lot and used for purposes customarily incidental to those of the main building.

BUILDING COVERAGE -- The total of the areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between the exterior faces of walls.

BUILDING, DETACHED -- A building that is not attached to any other building and that is surrounded by open area on the same lot.

BUILDING FOOTPRINT -- The area encompassed by a building's outer wall at ground level.

BUILDING, FRONT LINE OF -- The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

BUILDING GROUP -- A group of two or more principal buildings and any buildings accessory thereto, occupying a single lot and having any yard in common.

BUILDING HEIGHT -- The vertical distance measured from the average elevation of the proposed finished grade at the front entrance of the building to the highest point of the roof for flat roofs, to the deck line of the mansard roofs and to the median height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING INSPECTOR -- The person designated by the Town Board to administer and enforce the building construction laws, codes and regulations and other regulations related thereto.

BUILDING LINE -- The actual distance in measured feet from the property line to any building or structure on a lot or, in the case of overhangs, the line formed by the intersection of the projection of the outermost wall with the ground.

BUILDING, PRINCIPAL -- A building or structure in which the principal use is conducted.

BULK -- A term used to describe the size, volume, area and shape of buildings and structures and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures or other walls of the same buildings; and all open spaces required in connection with a building, other structure or tract of land.

BUSINESS AND COMMERCIAL DISTRICT OR ZONE – Includes the following districts: Neighborhood Business (B-N); Highway Business (B-H); Shopping Center Business (B-SC); Office Research (O-R); Institutional (IN); Light Industrial (I-L); Heavy Industrial (I-H); and Quarry (Q).

CABARET, NIGHTCLUB -- A restaurant or bar in which patrons are entertained as a group by live entertainers, disc jockeys, video or electronic shows, including amusement game machines as defined in this section.

CANOPY -- A roof-like structure of a permanent nature which projects from the wall of a building and overhangs the public way. An awning is not included in this definition.

CARPORT -- A roofed structure, with one or more open sides, used for the storage of automobiles.

CAR WASH -- An establishment with a structure open on two sides providing drive-through washing, steam cleaning, waxing, polishing and machine drying of vehicles by the public for compensation. Such cleaning may be self-service by the vehicle operator or be automatic via a chain conveyor to move the vehicle through the cleaning cycle.

CELLAR -- A portion of a structure's interior space partially below ground level and having more than 1/2 its height below grade or less than four feet between the ground level and the structural ceiling level. A "cellar" shall not be counted as a story in determining the height of a building in stories.

CEMETERY -- Land used for the burial of the dead and dedicated for cemetery purposes, including crematories and mausoleums when operated in conjunction with and within the boundary of such cemetery.

CENTER AND HAMLET DISTRICTS -- Includes the following districts: Arlington Town Center (ATC); South Hills Center (SHC); Crown Heights Center Overlay (CHCO); Fairview Center (FC); Salt Point Center (SPC); Macdonnell Heights Center (MHC); Rochdale Road Hamlet (RRH); Red Oaks Mill Neighborhood Services Center (ROMNSC); Historic Revitalization Development District (HRDD).

CLINIC -- An establishment where clients are examined or treated by one or more doctors or other medical professionals practicing together, providing outpatient services only, and with no overnight care facilities.

CLUB, FRATERNAL -- See "club, membership."

CLUB, HEALTH AND FITNESS -- A commercial establishment open to the public for a fee that provides services and facilities for physical fitness training, which includes but is not limited to swimming, handball and racket sports. Spas, clubs and other similar facilities featuring exercise or other active physical conditioning shall also be considered a "health and fitness club." Such uses may include restaurants as accessory uses and the sales of necessary equipment used in the activities provided.

CLUB, MEMBERSHIP -- An association of persons forming a membership corporation, registered under the Corporation Law of the State of New York as a nonprofit organization, with bona fide dues paying members. The corporation services and caters exclusively to its members and guests, and its premises and buildings shall be devoted to recreational, athletic, social, fraternal, civic or cultural purposes conducted on a nonprofit basis.

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CLUB, RECREATIONAL -- An association of persons forming a membership corporation registered under the Corporation Law of the State of New York as a nonprofit organization with bona fide dues paying members. The corporation owns, hires or leases land and/or buildings or a portion thereof for the primary and principal use of operating and conducting a generally recognized sport or recreational activity which include activities permitted in a health and fitness club and golf, tennis, basketball courts, bridge club (non-membership) instruction, miniature golf courses, electronic golf courses, golf driving ranges, pitch-n-putt golf, gymnastics instruction, handball courts, judo instruction, karate instruction, lifeguard instruction, scuba and skin-diving instruction, sports instruction, squash courts, swimming pools, volleyball courts, yoga instruction, swimming, skiing, bowling, archery range instruction, firearm training and use, soccer, baseball instruction and racquetball courts. Such uses may include restaurants as accessory uses and the sales of necessary equipment used in the activities provided. Billiard parlors and billiard halls are specifically excluded.

CLUSTER SUBDIVISION -- A residential subdivision pursuant to Town Law §278 where the dwelling units that would result on a given parcel under a conventional subdivision plan are allowed to be concentrated on a smaller and more compact portion of land and where a majority of the remaining land is left in its natural open space condition in perpetuity. Cluster development results in a flexibility of design and development to promote the most appropriate use of land, to facilitate the adequate and economical provisions of streets and utilities, and to preserve the natural and scenic qualities of open lands.

COMMERCIAL RECREATION – Private outdoor and/or indoor recreational facilities such as golf courses, playgrounds, swimming pools, ice rink, tennis courts, and fishing and hunting preserves, water park, tennis courts, driving ranges, basketball courts, handball and racquets courts, baseball and softball fields, football fields, polo fields, tracks, and riding rinks.

COMMERCIAL SCHOOL -- An establishment which provides training in specific areas of knowledge; such training may or may not include a comprehensive course of study.

COMMERCIAL VEHICLE -- A vehicle of more than one-ton capacity used for the transportation of persons or goods primarily for gain or a vehicle of any capacity carrying a permanently affixed sign exceeding one square foot in area or lettering of a commercial nature.

CONDOMINIUM -- A form of ownership of real property, regulated by the NYS Attorney General wherein an individual owns the interior of a dwelling unit or a portion of a non-residential building, together with an indivisible joint interest with other such owners in the exterior of the building(s) and the common space.

CONSTRAINED LAND – A parcel or lot containing in whole or in part one (1) or more of the following: Town, State and/or federal protected freshwater wetlands; one hundred (100) year flood plains or flood hazard areas; steep slopes of twenty (20) percent and greater; and open bodies of water including streams, ponds and lakes of any size.

CONTIGUOUS -- In actual contact; touching.

CONTRACTOR'S EQUIPMENT STORAGE/CONTRACTOR'S YARD -- A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the contractor's trade, but excluding storage of materials or equipment for on-site or off-site sale. This may include an office use accessory to the contractor trade use.

CONVENIENCE STORE, MINI-MART – A retail store that is designed and stocked primarily to sell food, beverages and household supplies, having no more than twelve (12) customer seats, to customers who purchase only a relatively few items.

CONVERSION -- A change in the use or the occupancy of a building by alteration or by other reorganization.

COUNTRY CLUB -- See "club, membership" and "club, recreational."

CREMATORY -- A building or structure in a cemetery which houses facilities for cremation.

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DAY-CARE CENTER -- A facility for the care of three or more children away from their own homes for more than three hours but less than 24 hours a single day, but not including a family day-care home or group family day-care home.

DBH (denoting "diameter at breast height") -- The diameter of a tree 4.5 feet from the ground level.

DECK -- An exterior floor surface, unroofed, extending outward from a structure as an integral part thereof, intended to accommodate multipurpose outdoor activities.

DELICATESSEN -- An establishment whose principal business is the preparation and retail sale of prepared foods, such as cooked meats, salads, relishes, preserves, beverages, etc., in a ready-to-consume state for off premises consumption or within the building.

DENSITY UNIT -- The maximum number of dwelling units allowed per acre.

DEVELOPABLE ACREAGE – The amount of land area left for development after subtracting the constrained land area from the total area of the project parcel.

DEVELOPMENT -- The utilization of a lot or tract of land.

DISTURBANCE – All land preparation activities involving the movement, placement, removal, transfer or shifting of soil and/or vegetation, including but not limited to, clearing, draining, filling, grading, re-grading or the building of structures or the placement of improvements on land including the construction of individual sidewalks, paths, roads or driveways. The condition of land disturbance shall be deemed to continue until the area of disturbance is returned to its original state or to a state complying with a permit for such disturbance granted in accordance with this Chapter.

DOCK -- An accessory structure, extending from land into a body of water, for purposes of providing access to watercraft, which craft may be affixed thereto when not in use.

DRIVE-IN, DRIVE-THRU -- An establishment which, by design, physical facilities, service or by packaging procedures, encourages and permits customers to receive services and obtain goods while remaining in their motor vehicles.

DRIVEWAY -- Any area reserved on any lot, site or parcel of land for the purpose of providing vehicular access from an access road or state, county or town highway to principal and accessory structures located on said lot, site or parcel.

DRIVEWAY, SHARED -- A single driveway serving two (2) or more adjoining lots.

DORMITORY -- A building containing living and sleeping accommodations for students on a college or university campus or at boarding schools.

DUMP -- Land used for the disposal by abandonment, burial, burning or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

DWELLING, DWELLING UNIT -- A building or portion thereof providing complete housekeeping facilities for one family including independent kitchen, sanitary and sleeping facilities, and physically separate from any other dwelling unit, whether or not in the same building. (Note: The term "dwelling," "single-family dwelling," "multifamily dwelling" or "dwelling unit" shall not be deemed to include a hotel, motel, rooming house, dormitory, nursing home or any other accommodation used for transient occupancy.).

A) DWELLING, SINGLE FAMILY -- A detached building, designated for or occupied exclusively by one family and containing not more than one dwelling unit.

B) DWELLING, TWO-FAMILY -- A detached or semidetached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common hallway or cellar. A "two-family dwelling" includes a flat, a single structure containing two semidetached units. Side-by-side is considered a "two-family dwelling," regardless of individual ownership of either half of its structure, provided that they are on the same zoned lot of record.

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C) DWELLING, MULTIFAMILY – As used herein shall mean:

1) A building containing three or more dwelling units.

2) A building containing living, sanitary and sleeping facilities occupied by one or two families and more than four lodgers residing with either one of such families.

3) A building with one or more sleeping rooms, other than a one- or two-family dwelling, used or occupied by permanent or transient paying guests or tenants.

4) A building with sleeping accommodations for more than five persons used or occupied as a club, dormitory, fraternity or sorority house or for similar uses.

5) A community residence.

D) DWELLING, TOWNHOUSE -- A row of three or more attached dwelling units wherein each unit is intended for single-family occupancy. Each units shall share a common wall with one or more other units and shall not share a common floor or ceiling. Ownership of the town house shall include the land on which the unit is placed.

E) DWELLING, GARDEN APARTMENT -- A multi-family building containing not more than three floors of dwelling units and providing required off-street parking and open space areas.

DWELLING UNIT, DETACHED -- A dwelling unit having no common walls, floors or ceilings with any other dwelling unit or building.

DWELLING UNIT, SEMIDETACHED -- A dwelling unit which has a common wall with only one other dwelling unit.

EXCAVATION -- The removal of sand, gravel, rock or stone, topsoil, soil or earth, turf and other similar substances from their natural location in or on the ground for any purpose.

FAÇADE – The exterior wall or walls of a building which identify the front of a building, and which typically faces a street or public way.

FAMILY – As used herein shall mean:

A. Any number of persons occupying a single nonprofit dwelling unit, related by blood, marriage or legal adoption, living and cooking together as a single housekeeping unit.

B. Any number of persons occupying a single nonprofit dwelling unit, not exceeding five adults living and cooking together as a single housekeeping unit where all were not related by blood, marriage or legal adoption.

C. Notwithstanding the provisions of this definition, a group of unrelated persons numbering more than five shall be considered a "family" upon a determination by the Zoning Board of Appeals that the group is the functional equivalent of a family pursuant to the standards enumerated below. This presumption may be rebutted, and the unrelated individuals may be considered the functional equivalent of a "family" for the purposes of this article by the Zoning Board of Appeals if such group of individuals exhibits one (1) or more characteristics consistent with the purposes of zoning restrictions in residential districts.

D. In determining whether a group of more than five unrelated persons constitutes a "family" for the purpose of occupying a dwelling unit, as provided herein, the Zoning Board of Appeals shall utilize the standards enumerated herein in making said determination. Before making a determination under this subsection the Zoning Board of Appeals shall hold a public hearing, after public notice. In making a determination the Zoning Board of Appeals shall find that:

E. The group is one which, in theory, size, appearance and structure, resembles a traditional family unit.

F. The group is one that will live and cook together as a single housekeeping unit.

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G. The group is of a permanent nature and is neither a framework for transient or seasonal living nor merely an association or relationship that is transient or seasonal in nature. Nothing herein shall preclude the seasonal use of a dwelling unit by a group which otherwise meets the standards of this subsection at its permanent residence.

H. Any determination under this subsection shall be limited to the status of a particular group as a "family" and shall not be interpreted as authorizing any other use, occupancy or activity. In making any such determination, the Board of Appeals may impose such conditions and safeguards as the Board of Appeals shall deem necessary or advisable in order to maintain the stability and character of the neighborhood and protect the public health, safety and welfare.

I. In no case shall a dwelling be occupied by more than two (2) adults to a conventional bedroom.

J. Persons occupying group quarters such as a dormitory, fraternity or sorority house or a seminary shall not be considered a "family."

FAMILY DAY-CARE HOME -- Care provided in the caregiver's home for three to six children plus two additional school-age children in accordance with the Social Services Law.

FARM ANIMAL -- An animal, other than a household pet, that is usually housed outside the primary residential or nonresidential structure.

FARMSTAND -- A structure used for the display and sale of farm products grown on the property on which the farm stand is located.

FARMSTEAD DESIGN – A site plan layout that incorporates design elements typical of a farmstead including buildings used for residential and agricultural purposes, outbuildings, run-in sheds, split rail fences, ponds, field gates, stone walls, pasture, open fields and wood lots, that, taken as a whole in their agricultural setting embody the gradual development of Hudson Valley farms over the centuries.

FEEDER ROAD -- Any roadway or series of interconnected driveways or parking lots which functions as a roadway, intended to channel local traffic off arterial or other important through roads in order to preserve or enhance the arterial's traffic-carrying capacity.

FILL -- Materials deposited in an area to change the ground elevation.

FINISHED GRADE -- The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure.

FLEA MARKET, INDOOR -- A building in which stalls or sale areas are set aside and rented or otherwise provided and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique and may include the selling of food or other goods at retail, by businesses or individuals who are generally engaged in retail trade.

FLOODPLAIN, ONE-HUNDRED-YEAR -- The one-hundred-year floodplain as shown on the latest version of the Federal Emergency Management Agency, Flood Insurance Rate Map(s).

FLOOR AREA -- The aggregate sum of the gross horizontal areas of the floor or floors of the building or buildings, measured from the exterior walls or from the center lines of walls separating two buildings.

FLOOR AREA, NONRESIDENTIAL – As used herein shall mean:

A) For purposes of this definition, "floor area" shall include:

1) Basement space.

2) Elevator shafts and stairwells at each floor.

3) Floor space for mechanical equipment, with structural headroom of at least seven feet six

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inches.

4) Penthouses.

5) Attic space (whether or not a floor has actually been laid) providing structural headroom of seven feet six inches or more.

6) Interior balconies and mezzanines.

7) Enclosed porches.

B) "Floor area" shall not include:

1) Cellar space.

2) Elevator and stair bulkheads, accessory water tanks and cooling towers when constructed above the roofline.

3) Floor space used for mechanical equipment, with structural headroom of less then seven feet six inches.

4) Attic space (whether or not a floor has actually been laid) providing structural headroom of less than seven feet six inches.

5) Uncovered steps and exterior fire escapes.

6) Terraces, breezeways, open porches, outside balconies and open spaces.

7) Accessory off-street parking spaces.

8) Accessory off-street loading berths.

C) For the purposes of calculating accessory off-street parking spaces and loading berths, "floor area" shall also include:

1) Cellar space used for retailing.

2) Outdoor storage areas.

3) Any other outdoor area used for business-related activities.

FLOOR AREA, RESIDENTIAL – As used herein shall mean:

A) For purposes of this definition, "floor area" shall include:

1) Basement space.

2) Elevator shafts and stairwells at each floor.

3) Penthouses.

4) Attic space (whether or not a floor has actually been laid) providing structural headroom of at least seven feet six inches.

5) Interior balconies and mezzanines.

6) Enclosed porches.

7) Bathrooms, closets, hallways and similar spaces.

B) "Floor area" shall not include:

1) Cellar space.

2) Elevator and stair bulkheads.

3) Attic space (whether or not a floor has actually been laid) providing structural headroom of less than seven feet six inches.

4) Uncovered steps and exterior fire escapes.

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5) Terraces, breezeways, open porches, outside balconies and open spaces.

6) Garages and carports.

FLOOR AREA RATIO -- The quotient of the floor area of a building divided by its lot area.

FRONT or FACE -- For the purposes of signs, the outer surface of a building which is visible from the main public street, highway or main parking area shall be considered the "face." The face of a building which is visible from a secondary street, highway or drive would not be considered a "front."

FRONTAGE – That portion of any lot which bounds a street, as measured along the property line which is coincidental with such street right-of-way or centerline, or on a corner lot in which case frontage is along both streets.

FUNERAL HOME -- A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

GARAGE, COMMERCIAL – An accessory building or portion thereof, used for the parking and storage of vehicles for a fee and which is available to the general public.

GARAGE SALE -- Any sale of merchandise sold from a residence, whether it is indoors or outside.

GREENHOUSE -- A building whose principal use is for the cultivation of plants for subsequent sale or personal enjoyment.

GROUND FLOOR AREA -- The square foot area of the outside dimensions of a building measured at ground level.

GROUP FAMILY DAY-CARE HOME -- Care provided in the caregiver's home for three to 12 children plus two additional school-age children in accordance with the Social Services Law.

HEIGHT -- For the purpose of determining the height limits in all zones set forth in this chapter and shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

HELIPORT -- A takeoff or landing area for helicopters.

HOME OCCUPATION -- An occupation or business activity which results in a product or service, not to include retail sales, conducted entirely within a dwelling unit. A "home occupation" shall be clearly subordinate to the residential use of the dwelling unit and shall not change the character thereof.

HOSPITAL -- An institution providing health service, medical or surgical care, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

HOTEL -- A building or any part thereof which contains sleeping accommodations for transient occupancy by the public for compensation, has a common exterior entrance or entrances, and which contains one or more dining rooms.

IMPERVIOUS COVERAGE -- That percentage of the lot covered by impervious surfaces including buildings, pavement, concrete and metal surfaces.

INCENTIVE ZONING - Adjustments to the maximum unit density requirements of the Town Zoning Law in exchange for the preservation of significant open space and/or the provision of improvements, facilities or amenities deemed to be of benefit to the Town.

INOPERATIVE VEHICLES -- Automobiles, trucks, boats, recreation vehicles and similar conveyances which are not capable of performing the function for which they were originally designed and intended or which are not of sufficient operating order to be licensed for use on public thoroughfares or waterways.

INDOOR RECREATION FACILITY -- A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities within a structure and not exposed to the out of doors and including recreational clubs.

INDUSTRIAL PARK -- A type of planned industrial environment for a variety of light industrial and related activities in which special emphasis and attention are given to aesthetics and community compatibility. Subdivided and developed according to an enforceable Master Plan that includes detailed provisions for streets and all necessary utilities, the park provides serviced sites for a community of industrial and industry-oriented uses. Adequate control of the land, buildings and industrial operations is provided through zoning, private restrictions incorporated as legal requirements in deeds of sale or leases and the provision of continuing management, all for the purpose of assuring attractive and efficient uses within the park and the harmonious integration of the industrial area into the community in which it is located.

INDUSTRIAL, HEAVY – includes a wide range of assembling, fabricating, and manufacturing activities such as: food processing, manufacturing and packaging; grain storage, processing and distribution; concrete and asphalt batch plants; manufacture of products and merchandise involving the use of chemicals, processes or materials that might constitute a potential explosive or environmental hazard; slaughter plants, packing houses, animal by-products rendering, and other such animal processing activities; automobile salvage and reclamation yards and facilities; processing or production of oil, natural gas, geothermal resources or other hydrocarbons; foundries; truck terminals, delivery services, moving and storage facilities, and truck maintenance.

INDUSTRIAL, LIGHT – includes limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities such as: beverage bottling, distribution and warehousing; contractors offices and storage buildings; including general contractors, plumbers, electricians, heating, ventilating, air conditioning contractors, masons, painters, refrigeration contractors, roofing contractors, and other such construction occupations; distribution centers; ice production, storage, sales and distribution; laboratories for research, testing and experimental purposes; machine shops; manufacture of computers, computer peripherals, electrical appliances, electronic equipment, medical instruments, and other similar products from previously manufactured components; manufacture of precision instruments and equipment such as watches, electronics equipment, photographic equipment, optical goods and similar products; manufacturing of articles or merchandise from previously prepared or natural materials such as cardboard, cement, cloth, cork, fiber, glass, leather, paper, plastics, wood, metals, stones and other such prepared materials; printing and publishing.

INN -- A building or portion thereof, kept, used, maintained, advertised or held out to the public, containing up to twenty-five (25) units used for overnight sleeping accommodations for guests, and providing meals, and other incidental services. An Inn may also contain, as an accessory use(s), a full service restaurant serving meals to the general public, and small conference facility space to the general public.

JUNK, SCRAP – Any waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, of for other use or disposition. This shall include, but is not limited to, unregistered motor vehicles and inoperable motor vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, lumber, and putrescible waste (i.e solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for disease vectors).

JUNKYARD -- An area of land with or without a building used for or occupied by the storage, keeping or abandonment of junk, including scrap metals or other scrap, used or salvaged building materials or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. The deposit on a lot of two or more wrecked or broken-down vehicles or the major parts thereof for three months or more shall be deemed to make the lot a "junkyard."

KENNEL -- Any place at which there are kept four or more dogs more than four months of age or any number of dogs that are kept for the primary purpose of sale or for the boarding, care or breeding for which a fee is charged or paid.

LABORATORY -- A use of building or part thereof and/or land where scientific research,

development and/or experiments are conducted.

LAND CONTOUR CHANGE -- The movement of naturally occurring earthen materials or other similar materials within the boundaries of a site..

LANDFILLING -- The importation and deposition of material for the purpose of raising the grade.

LAUNDROMAT -- An establishment with self-operating clothes washing and drying machines for public use.

LAUNDRY -- An establishment where clothes laundry work is done for the public either on the premises or accepted for transfer to another site for laundering.

LIGHTING DEVICE -- Any light or group of lights located or arranged so as to cast illumination.

LOT -- Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Chapter, having not less than the minimum area and width required by this Chapter for a lot in the district in which such land is situated and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of state law to be adequate as a condition of the issuance of a building permit for a building on such land.

LOT, CORNER -- A lot situated at the junction of and adjacent to two or more intersecting streets, when the interior angle of intersection does not exceed 135°.

LOT DEPTH -- The average distance from the front lot line to the rear lot line.

LOT, FLAG -- a lot which has sufficient frontage on a public street to comply with the minimum lot frontage requirements of this Chapter, but which is shaped in such a manner that the portion of the lot closest to the street can only be used for access purposes and not as a yard or buildable area, and whose width some distance back from the right-of-way is sufficient to provide proper space to meet the yard and setback requirements.

LOT FRONTAGE -- That portion of the lot which fronts on a street.

LOT, HOUSE -- In cluster subdivisions, that portion of the subdivision reserved as a development area for the location of dwelling units and constituting lands outside of the protected open space areas.

LOT LINE -- Any line bounding a lot, as defined herein.

LOT, THROUGH -- A lot which faces on two streets at opposite ends of the lot and which is not a corner lot.

LOT WIDTH -- The lot width requirement shall be measured at the property line common with the public highway or proposed public road.

LUMINAIRE - A complete lighting unit, consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power. When used, includes ballasts and photocells. Commonly referred to as a "fixture".

LUMINAIRE, FULL CUT-OFF - A luminaire that does not emit light at or above a horizontal plane running through the lowest point on the luminaire.

LUMINAIRE, NON CUT-OFF – A luminaire that that emits light above the horizontal plane running through the lowest point on the luminaire.

LUMINAIRE, SEMI CUT-OFF – A luminaire that does not allow light to escape above a sixty-five (65) degree angle measured from a vertical line from the center of the lamp extended to the ground.

MARINA -- A facility for the storing, servicing, fueling, berthing and securing of boats and that may include eating, service and retail facilities for owners, crews and guests.

MAUSOLEUM -- A structure or building designed and used for the entombment of the dead in a

cemetery.

MINING, MINERAL EXTRACTION -- Use of land for the purpose of extracting and selling stone, sand, gravel, or other minerals, as defined in §23-2705 of the Environmental Conservation Law, not including the process of preparing land for construction of a structure for which zoning approvals and building permit have been issued.

MIXED USE DEVELOPMENT – Use of land and/or a building or structure for a variety of complementary and integrated uses such as residential, office, retail, entertainment, and recreation.

MIXED USE BUILDING – A principal structure in which are located a variety of uses including residences, offices, retail, entertainment and recreation.

MOBILE HOME -- A dwelling unit manufactured in one or more sections, designed for long-term occupancy, containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems, and designed to be transported after fabrication on its own permanent chassis and/or wheels arriving at the site where it is to be occupied as a complete dwelling. A recreational vehicle is not included in this definition.

MOBILE HOME LOT -- A designated site within a mobile home park or mobile home park subdivision for the exclusive use of the occupants of a single mobile home.

MOBILE HOME PARK -- Any lot on which two or more mobile homes are located. .

MOBILE HOME PARK SUBDIVISION -- A mobile home park where each mobile home is situated on an individually owned parcel. All internal roads and common areas are under the control of a landowners' association.

MODULAR HOME -- A dwelling that is a factory-fabricated transportable building unit designed to be permanently located or incorporated with similar units at a building site into a modular structure to be used for residential purposes.

MOTEL -- A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space and is offered for rental use principally by motor vehicle travelers. The term "motel" includes, but is known variously as, an "auto court," "motor hotel," "motor court," "motor inn," "motor lodge," "tourist court," "tourist cabins" or "roadside hotel."

MOTOR VEHICLE ACCESSORY SALES -- A facility which for its principal use sells, at retail, automobile and truck accessories, which may include but is not limited to parts, tires, batteries, mufflers, tailpipes, radiators, belts, starters and hoses and which may or may not include facilities for installing such accessories. The sale of motor fuels is not included in this definition.

MOTOR VEHICLE REPAIR FACILITY – A facility arranged, intended, or designed for making repairs to motor vehicles and their mechanical systems, including painting, collision services involving frame and fender straightening and the dismantling or disassembly of frames or exterior parts, and which may or may not include the sale of rebuilt vehicles and parts, but excluding the sale of petroleum products.

MOTOR VEHICLE RENTAL FACILITY – A facility, including structures and display areas, used for the rental of passenger vehicles, trucks, cargo trailers, or recreational vehicles or other vehicles requiring registration for road use, and which may include a facility solely for the repair of such rental vehicles. The sale of motor fuels is not included in this definition.

MOTOR VEHICLE SALES AND SERVICE -- Any area of land, including structures thereon, for which its principal use is the display or sale of new and/or used automobiles, motorcycles, trucks, cargo trailers or recreational vehicles or other vehicles requiring registration for road use, and which may or may not include the repair of vehicles. Enclosed showrooms and open display areas are included in this definition. The sale of motor fuels is not included in this definition.

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MOTOR VEHICLE SERVICE FACILITY -- A facility which for its principal use sells, at retail, fuel or other products and services for vehicle operation and maintenance, including a gasoline filling station, a car wash, or a quick-stop maintenance, and which may include but is not limited to as a secondary use a convenience store selling goods and food for off-site consumption, but not including repair services or facilities.

MUSEUM -- A nonprofit, noncommercial establishment operated as a repository for a collection of literary, natural or scientific curiosities, objects of interest or works of art, not including the regular sale or distribution of the objects collected.

NONCONFORMING BULK -- That part of a building, other structure or tract of land which does not conform to one or more of the applicable bulk regulations of this chapter, either following its effective date or as a result of subsequent amendments thereto.

NONCONFORMING USE -- Any use of a building, other structure or tract of land which does not conform to the use regulations for that district in which such use is located, either at the effective date of this chapter or as a result of subsequent amendments thereto.

NONRESIDENTIAL CONDOMINIUM -- An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a commercial building.

NURSERY -- Land or greenhouses used to raise flowers, shrubs and plants for sale.

NURSERY SCHOOL -- Any place, however designated, for social and educational programs for children three to five years old, operating for less than three hours per session, two to five times per week, usually following a school year schedule.

NURSING HOME -- A building where persons are housed or lodged and furnished with meals and nursing care for hire.

OFFICE -- An establishment for the conduct of business or services.

OFFICE PARK, BUSINESS PARK – A lot or related lots designed as a master planned area for the transaction of business, for the rendering of professional services, or for other services that involve stocks of goods, ware or merchandise in limited quantities for use incidental to office uses or samples purposes. This may include such uses as: office building for business and professional services, including lawyer, physician, dentist, architect, engineer, musician, teacher or other professional person, including real estate and insurance offices, banking and other financial businesses and similar purposes in connection with such use; clinics for outpatient care, as well as outpatient medical services including, but not limited to, imaging and physical therapy; restaurant or cafeteria for supplying meals only to employees and guests for the principal use; and newsstand, post office, branch banking facilities and similar conveniences serving primarily employees and guests of the principal use, provided that there shall be no external evidence of such use; radio and television stations, but not including transmitting facilities or antennae.

OPEN SPACE -- Land either left in a natural state for conservation, orcultivated for agricultural purposes, or landscaped and improved for scenic or recreational purposes, and devoted to active or passive recreation, or devoted to the preservation of distinctive architectural, historic, geologic or botanic sites, scenic views, or other open space qualities. The term shall not include land that is paved, used for the storage, parking or circulation of automobiles, or occupied by any structure unless such structure serves the agricultural, scenic, recreational, or other open space use, or enhance access thereto and use thereof. Open space may be included as a portion of one (1) or more lots, or may be contained in one or more separate open space lot but shall not include private yards within one hundred (100) feet of a principal structure.

OPEN SPACE, USABLE -- An unenclosed portion of the ground of a lot which is not devoted to driveways, access roads, parking spaces; which is free of structures that would interfere with the functionality of the open space and the intended use of the property; which is no less than eight feet in width at any point; which is available and accessible to all occupants of the building or buildings

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on said lot, or on a separate dedicated lot as part of a common development scheme, for purposes of active or passive outdoor use..

OUTDOOR RECREATION FACILITY -- A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities out of doors and including recreational clubs.

OWNER -- The owner of record of a tract or parcel, the subdivision of which requires approval of the Planning Board, or a person or persons holding an option to purchase a tract or parcel, contingent only upon receipt of Planning Board approval of a proposed subdivision of such tract or parcel. The "owner" may be represented by a duly authorized agent or representative in the conduct of business before the Board, except in those instances specified hereafter that require the appearance of the "owner" in person.

PARENT PARCEL – A parcel of land legally in existence on the effective date of this Chapter. For purposes of this Chapter the parent parcel shall be deemed to be that lot, parcel or tract of land owned by the person or persons as shown on the records of the Town of Poughkeepsie Assessor's Office as of the effective date of this Chapter.

PERFORMANCE STANDARDS -- Measurable standards imposed under this Chapter to ensure that a proposed use can operate or locate in a particular district without exceeding clearly defined standards of tolerance in areas such as noise, odor, smoke, lighting, glare, dust, vibration, and other potentially objectionable characteristics.

PERSON -- An individual, firm, partnership, corporation, company, association, joint-stock association or government entity; includes a trustee, a receiver, an assignee or a similar representative of any of them.

PERSONAL SERVICE BUSINESS -- An establishment primarily engaged in providing services involving the care of a person or a person's apparel, including but not limited, to laundries, barber and beauty shops, and dry-cleaning shops, but not including an Adult Business use, a Motor Vehicle Accessory Sales and Service use, a Motor Vehicle Body Shop use, a Motor Vehicle Sales and Service use, a Motor Vehicle Service Facility use, Motor Vehicle Repair Facility, or a Tattoo Parlor.

PLACE OF RELIGIOUS WORSHIP -- Any building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building is maintained and controlled by a religious body organized to sustain public worship.

PLANNED DEVELOPMENT DISTRICT - A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements, uses and structures that exceed the permitted scale, density, or intensity of use in the district, as well as uses not otherwise allowed by the underlying zoning.

PLAT -- The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording. (See §§ 276, 277, 278 and 279 of Town Law.)

PORCH, OPEN -- A roofed open structure projecting from the outside wall of a building without window sash or any other form of vertical enclosure, other than insect screening.

PREMISES -- A lot together with all the buildings and uses thereon.

PUBLIC UTILITY -- Any facility or related equipment, including but not limited to all lines, pipes, transformers, poles, etc., performing a public service and subject to special governmental regulation.

QUARRYING -- The use of any land for the excavation, extraction or removal of consolidated materials (rock) for sale or use other than on the property from which it is extracted.

RECREATIONAL VEHICLE -- A vehicle, self-propelled or towed on its own chassis or attached to the chassis of another vehicle and designed or used for temporary living, recreation or sporting

purposes. The term shall include but is not limited to travel trailer, pickup camper, camping trailer, converted trucks, buses, boat and skimobile trailers and similar vehicles.

RECYCLING BUSINESS -- A commercial establishment organized to collect, store, process and sell reusable domestic, commercial and industrial waste, including waste motor oil. This definition does not include those materials and substances classified as hazardous by the New York State Department of Environmental Conservation.

REDEVELOPMENT, REDEVELOPMENT PROJECT – The removal and replacement of more than sixty-five (65%) percent of the gross floor area an existing building or structure for a different use than that of the prior occupancy of said building or structure. This term shall include the use of land from which previous improvements have been removed, and shall include an adaptive reuse of an existing building or structure where said building or structure is expanded by more than 25% of the existing gross floor area.

RESIDENCE -- See "dwelling unit."

RESIDENCE DISTRICT OR ZONE; RESIDENTIAL DISTRICT OR ZONE -- Includes the following districts: Residence, Single Family 4 Acre (R-4A); Residence, Single Family 2 Acre (R-2A); Residence, Single Family 1.5 Acre (R-1.5A); Residence, Single Family 20,000 (R-20,000); Residence, Multi-Family (R-M); Residence, New Hamburg (R-NH); Residence, Mobile Home (R-MH).

RESTAURANT OR CAFE -- An establishment whose principal business is the preparation and retail sale of food and beverages in a ready-to-consume state to customers and whose design or principal method of operation includes one or both of the following characteristics:

A) Customers are served their foods and beverages, which may or may not include a bar, by a restaurant employee at the same table or counter at which said items are consumed.

B) Customers receive their foods and beverages, which may or may not include a bar, from a restaurant employee at a walk-up counter or kiosk and which may be consumed within the restaurant building or taken off-site for consumption.

C) A cafeteria-type operation where foods and beverages generally are consumed within the restaurant building.

RESUBDIVISION – The further subdivision of lots or the relocation of lot lines of any lot or lots, including the alteration of any streets or the establishment of any new streets, within a subdivision previously approved by the Planning Board and which has been filed in the Office of the Dutchess County Clerk.

RETAIL BUSINESS, RETAIL USE, STORE OR SHOP – Traditional establishments, such as florists, lumber and hardware stores, pharmacies, grocery stores, convenience stores, stationary stores, book stores, video-rental stores, clothing stores, department stores, shoe stores, antique stores, etc., that sell goods or merchandise to the general public for personal or household consumption, but not including an Adult Business use, a Motor Vehicle Accessory Sales use, a Motor Vehicle Repair Facility use, a Motor Vehicle Sales and Service use, or a Motor Vehicle Service Facility use.

RIGHT-OF-WAY -- A legal right of use and passage over, under or through another person's property.

SATELLITE DISH AND MICROWAVE ANTENNA -- A parabolic antenna intended to receive signals from orbiting satellites and other sources. Noncommercial dish antennas are defined as being less than four feet in diameter while commercial dish antennas are usually those larger than six feet, typically used by broadcasting stations (see also "antenna").

SCHOOL-AGE CHILD CARE -- A place, however designated, for the care of seven or more children, ages five to 14, during the hours in which school is not in session in accordance with the Social Services Law.

SERVICE BUSINESS, SERVICE USE, STORE OR SHOP -- A business or nonprofit organization

that provides services to the public, either on or off premises, including but not limited to arts instruction or studio; building, electrical, plumbing and landscape contracting business; educational services; catering; health club; housecleaning services; locksmith; printing and photocopying; repair and restoration services; tailoring; typing and word processing; but not including a Bank or Financial Service business, an Adult Business use, a Motor Vehicle Accessory Sales and Service use, a Motor Vehicle Body Shop use, a Motor Vehicle Sales and Service use, a Motor Vehicle Service Facility use, a Motor Vehicle Repair Facility, or a Tattoo Parlor.

SETBACK -- The distance from the property line to the nearest part of the applicable building, structure or sign measured perpendicularly to the property line.

SHOPPING CENTER, SHOPPING MALL – A group of commercial establishments planned, constructed, and managed as a single entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

SIGN -- Any structure or part thereof attached or painted or represented thereon which shall display or include any letter, word, model, banner, flag, insignia, device or representation used as or which is in the nature of an announcement, direction or advertisement. The word "sign" does not include the flag, pennant or insignia of any nation, state, city or other political unit. The area of a sign is that area which results by multiplying the outside dimensions of a sign, not including the vertical, horizontal or diagonal support which may affix the sign to the ground or to a structure or building. Unless otherwise provided, only one face of a double-faced sign is included as the area of such sign.

SIGN, DIRECTIONAL -- A sign used to direct the public to specific uses, areas or places for their safety or convenience on the premises of the business or activity where the sign is located.

SIGN, FREESTANDING -- Any sign not depending for its main support upon a building. A double-faced sign is considered to be one sign.

SIGN, HANGING -- A sign which projects from the wall of a building more than one foot or under a permitted canopy.

SIGN, ROOF -- A sign extending above the roofline (above coping, eave or cornice) of a building.

SITE PLAN -- A rendering, drawing, or sketch prepared in accordance with the specifications of the Zoning Law, and which shows the arrangement, layout and design of a proposed use of a single parcel of land as shown on said plan.

SLOPE(S) -- The vertical rise of an area of land divided by the horizontal distance of that same area of land over any ten-foot interval.

SOIL MINING -- The use of any land for the excavation, extraction or removal of sand, gravel, clay, stone, loam, humus or topsoil for sale or for use other than on the property from which the material is extracted, subject to the provisions of the Excavations Law.

SPECIAL USE - A land use which is deemed permissible within a given zoning district or districts, but which may have the potential to exhibit characteristics or create impacts incompatible with the purposes of such district. The special use shall, therefore, be subject to approval by the Zoning Board of Appeals in accordance with conditions set forth for such use, as well as other applicable provisions of this Chapter. Both general and specific conditions have been established for special uses to ensure that such use is in harmony with the Town Zoning Law and Poughkeepsie Town Plan and will not adversely affect the neighborhood if the requirements are met.

STEEP SLOPE – All ground areas having a topographical gradient equal to or greater than twenty (20) percent measured by utilizing two (2) foot contours.

STORY -- That part of a building between a floor and the floor or roof next above it.

STORY, HALF -- That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to 1/2 the floor-to-ceiling height of the story below.

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STREET -- An existing public way which affords principal means of access to abutting properties and is suitably improved; or a proposed way shown on a plat approved by all appropriate official agencies.

STREET LINE -- The dividing line between the street right-of-way and a lot.

STREET, PAPER -- A street that has never been built but is shown on an approved plan, subdivision plat, tax map, or Official Map of the Town of Poughkeepsie.

STREET WIDTH -- The width of the right-of-way; or the distance between property lines on opposite sides of a street.

STORAGE -- The holding or safe-keeping of goods in a warehouse or other depository to await the happening of some future event or contingency that will call for the removal of the goods.

STORAGE, BULK -- The accumulation of wholesale quantities of raw or finished materials (solids, liquids and gases) preparatory to use in a manufacturing process or to retail sales, a permanent reserve being maintained. Junk and scrap materials do not qualify for inclusion in this category.

STRUCTURE -- A static construction, constructed or installed by man, of building materials, including but not limited to buildings, stadiums, roads, parking lots, platforms, towers, sheds, display stands, storage bins, signs, reviewing stands, gasoline pumps, swimming pools or gazebos.

STRUCTURE, ACCESSORY -- See "accessory structure."

STRUCTURE, PRINCIPAL -- The structure which houses the use permitted under the zoning classification in accordance with the zoning district regulations.

SUBDIVISION -- The division of any parcel of land into two or more lots, plots, sites or other division of land, with or without streets, for the purpose of immediate or future sale or building development.

SUBDIVISION, MINOR -- Any subdivision containing not more than two lots, each of at least the minimum size as permitted by this Chapter, each fronting on an existing public street, not involving any new street or road or the extension of municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining properties and not in conflict with any provision or portion of the Master Plan.

SUBDIVISION, MAJOR -- A subdivision not classified as a minor subdivision.

SUPERMARKET, GROCERY -- A retail store selling a complete assortment of food and food preparation materials, household items and other retail items. "Supermarkets" may contain pharmacies, delicatessens, meat and fish markets, bakeries and snack bars.

SWIMMING POOL, PRIVATE -- A structure which contains water, either having a depth at any point greater than three feet or having a capacity of 8,000 gallons or greater, used for swimming or bathing, installed in or above the ground. The erection of such structures shall be limited to residential parcels having two residential units or fewer and be for the exclusive use of the residents of those units.

SWIMMING POOL, PUBLIC -- A structure which contains water, either having a depth at any point greater than three feet or having a capacity of 8,000 gallons or greater, constructed, installed or maintained in or above ground and used:

A) For swimming or bathing for a fee.

B) As an accessory use to a residential development or multifamily dwelling.

C) By members of a not-for-profit club.

TATOO PARLOR -- An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or

other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TEMPORARY/TENT SALES -- The use of any building or lot or portion thereof for the wholesale or retail sale of merchandise to the general public when such use is for a specified, limited period of time. The sale of merchandise must be the normal business of the establishment, and the merchandise for sale must be the normal stock-in-trade of the establishment.

THEATER -- A building or part of a building primarily devoted to the presentation of movies, stage productions or concerts on a paid-admission basis.

TOURIST HOUSE -- A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, but where such use is secondary to the occupancy of the dwelling by a family.

TRACT -- shall mean any body of land, including contiguous parcels of land, under single ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT – An approach to land use planning and urban design that promotes the building of pedestrian friendly neighborhoods with a mix of residential and commercial uses, housing types and costs, lot sizes and densities, architectural variety, a central meeting place such as a town square, a network of narrow streets and alleys, and defined development edges. The TND de-emphasizes dependence on the automobile by employing mixed land use patterns that afford residents the opportunity to live, work, play, and shop within their own neighborhood. It is based on the form and design of older cities and villages, and is typically characterized by the following design elements:

A) Parks, schools, civic buildings, and commercial establishments located within walking distance of homes.

B) Residences with narrow front setbacks, front porches, and detached rear garages or alley-loaded parking.

C) Residences having porches and alleys to access detached garages.

D) A system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments.

E) Narrower streets with crosswalks, streetscaping, and other traffic-calming measures.

F) In-scale development that fits the local context.

G) Buildings oriented to the street with parking behind.

H) A mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes including residences located above commercial uses.

I) Retention of existing buildings with historical features or architectural features that enhance the visual character of the community.

J) A variety of architectural features and building materials to encourage giving each building or group of buildings a distinct character.

K) An overall composition and location of landscaping that complements the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.

USE -- The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

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USE, ACCESSORY -- A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

USE, DE MINIMIS -- A use of land or structure that is not outwardly apparent to an off-site viewer so as to call attention to its existence.

USE, PRINCIPAL -- The main use permitted under the zoning classification in accordance with the zoning district regulations.

VEGETABLE STAND -- A nonpermanent structure used exclusively for the sale of seasonal fruits, vegetables and other farm products and generally open for business during the local growing season.

WAREHOUSE -- A building or portion thereof used for the storage of property. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

WATERFRONT DISTRICT OR ZONE -- Include the following districts: Waterfront District 1 (WD1) and Waterfront District 2 (WD2).

WORKFORCE HOUSING, AFFORDABLE HOUSING – For sale or for rent housing designated for households having eighty (80%) percent of the median income for unit purchase, and sixty (60%) percent for unit rental, of households in the Town of Poughkeepsie as defined by the United States Department of Housing and Urban Development.

YARD -- That portion of the open area of a lot extending open and unobstructed from the ground upward, along a lot line for a depth or width as specified by the bulk regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard or other open space similarly required for buildings on another lot.

YARD, FRONT -- A yard extending along the full length of the front lot line between the side lot lines.

YARD, REAR -- A yard extending along the full length of the rear lot line, between side lot lines.

YARD, SIDE -- A yard situated between the building and the side line of a lot and extending from the front yard rear line to the rear yard front line.

ARTICLE III
ZONING DISTRICTS; ZONING MAP

§ 210-10. List of districts.

A) The Town of Poughkeepsie is hereby divided into the classes of districts listed below:

1) Residential Districts:

a) Residence, Single-Family; 4 acre	R-4A
b) Residence, Single-Family; 2 acre	R-2A
c) Residence, Single Family; 1.5 acre	R-1.5A
d) Residence, Single-Family; 20,000 square feet	R-20,000
e) Residence, Multifamily	R-M
f) Residence, New Hamburg	R-NH
g) Residence, Mobile Home	R-MH

2) Center and Hamlet Districts:

a) Arlington Town Center	ATC

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b) South Hills Center SHC

c) Fairview Center FC

d) Salt Point Center SPC

e) Macdonnell Heights Center MHC

f) Rochdale Road Hamlet RRH

g) Red Oaks Mill Neighborhood Services Center ROMNSC

h) Historic Revitalization Development District HRDD

3) Business and Commercial Districts

a) Neighborhood Business B-N

b) Neighborhood Highway Business B-NH

c) Highway Business B-H

d) Shopping Center Business B-SC

e) Office Research O-R

f) Institutional IN

g) Light Industry I-L

h) Heavy Industry I-H

i) Quarry Q

4) Waterfront Area Districts:

a) Waterfront District 1 WD1

b) Waterfront District 2 WD2

B) In addition to the above districts, the following overlay districts are hereby created, to take effect upon Town Board adoption of overlay maps for each district. Any overlay maps adopted or modified under this Chapter shall be adopted or modified by zoning amendment pursuant to the procedures specified in Article XI and §265 of the Town Law. The overlay districts impose requirements that supplement those in the underlying districts listed in this Chapter above and do not supersede the provisions of those districts, except insofar as the overlay districts may impose more restrictive requirements. The overlay districts include:

1) Crown Heights Center Overlay CHCO

2) Crown Heights Center Extended Overlay District CHCO (EO)

3) Greenspace Overlay District. G-O

4) Reserved.

§ 210-11. Zoning Map.

A) The boundaries of said districts are hereby established as shown on the Zoning Map, Town of Poughkeepsie, which accompanies and which, with all explanatory matters thereon, is hereby adopted and made a part of this Chapter.

B) The Zoning Map may be amended in the same manner as any other part of this chapter. Said map, indicating the latest amendments, shall be kept up-to-date in the office of the Town Clerk.

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§ 210-12. District boundaries.

A) In determining the boundaries of districts shown on the map, the following rules shall apply:

1) Unless otherwise shown, the district boundaries shall be construed to coincide with the center lines of streets, alleys, parkways, waterways, main track or tracks of railroads or such lines extended.

2) Where such boundaries are indicated as approximately following property lines such lines shall be construed to be such boundaries.

3) Where a lot is divided by one or more zoning district lines, each portion of said lot and any building or land use established thereon shall comply with the regulations of the district in which it is located.

4) In all cases where a district boundary is located not farther than 15 feet away from a lot line of record, the boundary shall be construed to coincide with such line.

5) In all other cases, where not dimensioned, the location of boundaries shown on the map shall be determined by the use of the scale appearing thereon.

6) Any boundary shown extended into the Hudson River or Wappinger Creek shall be deemed to extend to the boundary of the Town, unless otherwise indicated.

§ 210-13. Effect of establishment of districts.

A) Following the effective date of this chapter, the district regulations and requirements prescribed for the various districts are thus established.

B) The regulations shall govern the use, height, bulk and/or percentage of lot coverage and, wherever specified, may govern the minimum habitable floor area of any dwelling unit and the use of any land.

C) The regulations shall govern the yards, open spaces, lot dimensions and area, off-street parking and loading facilities with all necessary passageways and driveways appurtenant thereto and, whenever specified, the screening and landscaping to be provided in connection with erection, alteration or moving of any building or the use of any land.

D) No yard or open space required in connection with any building or use shall be encroached upon, nor shall it be considered as providing a required open space for any other building on the same or any other lot.

E) No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith and the remaining lot comply with all requirements prescribed by this chapter for the district in which said lot is located. No permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all the provisions of this chapter.

F) There shall not be more than one dwelling occupied on a lot except as specifically permitted elsewhere in this chapter or as set forth herein. Occupancy of a recreational vehicle on any lot where there exists an occupied dwelling in excess of 48 hours without a permit from the Town is prohibited. Occupancy shall be determined using the criteria set forth in the New York State Building Code. A temporary occupancy permit may be issued by the Building Inspector to allow occupancy of a recreational vehicle. A person desirous of obtaining a temporary occupancy permit must make an application to the Building Inspector and pay a filing fee for the application in the amount of $50. The applicant will have to successfully comply with all criteria imposed by the Building Inspector. Any temporary occupancy permit issued by the Building Inspector shall be good for a maximum period of 21 calendar days per year. In the event that a permit holder is desirous of extending the temporary occupancy permit, application may be made to the Building Inspector who shall then make an additional inspection to ensure that all code requirements have been complied with. An

additional fee of $50 shall be paid for an extension of the temporary occupancy permit but in no event is the Building Inspector authorized to extend the temporary occupancy permit for more than an additional 24 days, for a total permit period not to exceed 45 calendar days per year. In the event that a holder of a temporary occupancy permit is experiencing an extreme hardship situation and is desirous of keeping a recreational vehicle for a period of time beyond said forty-five-day time period, the permit holder may apply to the Town Board of the Town of Poughkeepsie for such approval. The Town Board shall have the ability to fix a per diem fee for such use if the Town Board finds an extreme hardship situation. Violations of this action shall be deemed violations by the property owner and shall be punishable as set forth in Town Code §210-145.

G) Uses. Following the effective date of this Chapter any use not identified or listed as a permitted use in the district on which a proposed or exiting building(s) or lot(s) is located, shall be deemed prohibited. No building or lot shall be used for any purpose or in any manner except in conformity the regulations, requirements and/or restrictions specified in this Chapter for the district in which such building or lot is located. Where permitted uses are identified by generic words or descriptions, the Zoning Board of Appeals shall determine whether a specific use shall be construed to be part of such generic class. In making such determination, the Zoning Board of Appeals shall consider to what extent the proposed use is similar to the class of use indicated in the list of uses for the district.

H) Buildings. After the effective date of this Chapter no building shall be erected, moved, altered, rebuilt, enlarged, designed or arranged to be used for any purpose or in any manner except in conformity with the regulations, requirements and/or restrictions specified in this Chapter for the district in which such building is located.

I) Lots. After the effective date of this Chapter no lot shall be built upon unless it is a buildable lot as defined herein. Additionally:

1) Any lot created after the effective date of this Chapter shall have the minimum buildable area as defined in this Chapter and shall be a buildable lot as defined herein.

2) All lots proposed for subdivision shall be configured to allow for the later addition of a deck and/or a porch without the need for a variance. The Planning Board is expressly authorized to require the reconfiguration of proposed lots and proposed boundary lines in order to give effect to this provision.

3) The creation or establishment of flag lots is prohibited.

J) Corner lots. Wherever a side or rear yard is adjacent to a street, the standards for front yards shall apply.

K) Projections into required yards.

1) The following projections into required yards may be permitted.

a) Open fire escape: four feet into side or rear yards.

b) Awnings or canopies: six feet into any yard.

c) Cornices, eaves and other similar architectural features: three feet into any yard.

d) Chimneys: two feet into any yard.

e) Steps: six feet into any yard.

f) Handicapped: total exemption.

2) Any open or enclosed porch, deck, or carport shall be considered a part of the building in the determination of the size of the required yard or lot coverage and shall meet the required setbacks as the principal structure. Non-roofed paved terraces shall not be considered a part of the building.

3) Accessory uses not enclosed in a building may be located in a rear yard.

L) Height exceptions. District building and structure height regulations shall not apply to flagpoles, radio or television antennas, transmission towers or cables, spires or cupolas, chimneys, elevator or stair bulkheads, penthouses, parapets or railings, water tanks or cooling towers, solar collectors and the equipment used for the mounting or operation of such collectors or any similar structures, provided that such structures in their aggregate coverage occupy no more than 10% of the roof area of the building; such structures shall not extend more than 20 feet above the district height regulations; and such structures shall not block the solar access potential of adjacent lots. A special use permit issued by the Zoning Board of Appeals is required for any height exception.

M) Town Board reservation of authority. Where a conflict arises as to the jurisdiction of the Town Board, the Planning Board, the Zoning Board of Appeals, the Planning Department, the Building Department and/or the Zoning Enforcement Office in regard to enforcement of this Chapter, the Town Board shall make a determination as to the appropriate agency in any given case.

ARTICLE IV
RESIDENTIAL DISTRICT REGULATIONS

§ 210-14. Residence, Single Family 4 Acre (R-4A) District.

A) District Purpose. This district is intended to conserve the more rural land areas within the Town by promoting a balance of open space and low-density, single-family residential uses consistent with natural resource constraints and the conservation, open space, agricultural and farm, recreational, and other land-extensive land use opportunities.

B) Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Cemeteries, subject to §210-62.

2) *Country clubs, subject to §210-65.

3) Dwelling, single-family.

4) Family day-care home, subject to §210-66.

5) *Golf courses, subject to §210-73.

6) *Parks.

7) *Places of religious worship, subject to §210-94.

8) *Playgrounds.

9) *Public utility structures, subject to §210-96.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) Accessory apartments, subject to §210-47.

2) *Adaptive reuse of existing residential structure for non-residential use.

3) Agriculture excluding farm animals, subject to §210-50.

4) Agriculture including farm animals, subject to §210-51.

5) *Bed-and-breakfast, subject to §210-55.

6) *Day-care center, subject to §210-66.

7) *Fraternal clubs, subject to §210-65.

8) Home occupations, subject to §210-74.

9) *Kennels, subject to §210-78.

10) *Nursery school, subject to §210-66.

11) *Recreational clubs, subject to §210-65.

12) *Recreation, outdoor, subject to §210-98.

13) School-age child-care facility, subject to §210-66.

14) *Swimming pools (public), subject to §210-108.

D) Accessory uses shall be as follows:

1) Accessory buildings and structures, subject to §210-48.

2) Swimming pool (private), subject to §210-107.

3) Temporary buildings for construction purposes, subject to §210-109.

4) Tennis court (private), subject .

E) The area and bulk regulations for the R-4A district shall be as follows:

Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
4	200	100	50	75	4%	12%	35 feet or 2.5 stories

1) An applicant for a major subdivision involving a parcel or parcels of 25 acres or greater in size shall, at the time an application for preliminary subdivision approval is submitted, include a conceptual layout of a cluster subdivision plan in accordance with the requirements for a cluster subdivision as set forth in Chapter 177.

2) For a major subdivision of previously undeveloped property abutting property developed for residential use shall include a one hundred (100) foot setback from the adjoining residential property. The setback shall be landscaped to a depth of not less than twenty-five (25) feet in a location as approved by the Planning Board. The landscaping shall consist of a mixture of evergreen and deciduous plantings as approved by the Planning Board. The Planning Board shall use its discretion to establish appropriate landscaping and setbacks for re-development projects involving the conversion or the rehabilitation of existing structures and previously disturbed land areas. Roads, pathways, and sidewalks providing access through the buffer are permitted. The setback area shall be permanently preserved by recorded deed instrument in a form approved by the Town Attorney, and which shall provide for Town enforcement of said restriction.

F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the R-4A District. The Planning Board shall use its discretion as to the applicability of these guidelines to re-development projects involving the conversion or the rehabilitation of existing structures and previously disturbed land areas:

1) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

2) For uses involving an Adaptive Reuse conversion of a residential structure to non-

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residential use the Planning Board is hereby expressly authorized to require such additional front, side and rear yard setbacks as may be required to ensure that the non-residential use does not interfere with the quiet enjoyment of adjoining residential properties. The additional setback area, as well as the minimum yard setback area, shall be planted with a mixture of evergreen and deciduous plantings at a height so as to adequately screen the parking area from neighboring properties and streets. The species type, location and planted height of such landscaping shall be subject to the approval of the Planning Board.

3) Encourage the use of farmstead design for major subdivisions.

4) Residential development adjacent to a Center, Business, or Commercial District shall provide pedestrian links to said adjacent district(s). When required by the Planning Board sidewalks shall be separated from a street by a tree lawn at least five (5) feet in width and the sidewalks shall also be at least five (5) feet in width. In approving sidewalks the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.

5) Encourage the inclusion of recreational and agricultural uses as part of a residential development project.

6) Require that adequate water supply, sewage disposal and transportation infrastructure be provided.

7) Require the use of cluster subdivision design unless the cluster subdivision fails to meet the "Cluster Preference Criteria".

8) Require the use of through-roads within new subdivisions and prohibit the use of cul-de-sac roads within new subdivisions unless the Planning Board finds that such cul-de-sac road is necessary to protect the public health and safety.

9) To the extent practicable existing tree rows, hedgerows, stone walls, mature landscaping, natural buffers, and similar features shall be retained in the development of any new use or the expansion of any existing use.

10) To the extent practicable new streets shall be designed to minimize tree clearing and changes to existing topography.

11) The number of off-street parking spaces provided shall be the minimum necessary to adequately serve the intended use.

12) New buildings adjacent to historic structures and historic districts shall be designed in a manner consistent with the general architectural features of such historic features in terms of form, materials, fenestration, and roof shape.

13) Off-street parking lots and loading areas shall be screened from adjacent properties by landscaping or fencing.

§ 210-15. Residence, Single Family 2 Acre (R-2A).

A) Purpose. This district is intended to conserve natural and open space adjacent to the more densely developed residential neighborhoods within the Town by promoting a balance of open space and low to moderate-density, single-family residential uses consistent with the availability of support infrastructure and natural resource constraints. Conservation of natural land and its integration within a system of contiguous open space is a primary objective.

B) Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan

approval by the Planning Board:

1) *Cemeteries, subject to §210-62.
2) *Country clubs, subject to §210-65.
3) Dwelling, single-family.
4) Family day-care home, subject to §210-66.
5) *Golf courses, subject to §210-73.
6) *Parks.
7) *Places of religious worship, subject to §210-94.
8) *Playgrounds.
9) *Public utility structures, subject to §210-96.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) Accessory apartments, subject to §210-47.
2) *Adaptive reuse of existing residential structure for non-residential use.
3) Agriculture excluding farm animals, subject to §210-50.
4) Agriculture including farm animals, subject to §210-51.
5) *Bed-and-breakfast, subject to §210-55.
6) *Day-care center, subject to §210-66.
7) *Fraternal clubs, subject to §210-65.
8) Home occupations, subject to §210-74.
9) *Kennels, subject to §210-78.
10) *Nursery school, subject to §210-66.
11) *Recreational clubs, subject to §210-65.
12) *Recreation, outdoor, subject to §210-98.
13) School-age child-care facility, subject to §210-66.
14) *Swimming pools (public), subject to §210-108.

D) Accessory uses shall be as follows:

1) Accessory buildings and structures, subject to §210-48.
2) Swimming pools (private), subject to §210-107.
3) Temporary buildings for construction purposes, subject to §210-109.
4) Tennis court (private), subject to §210-111.

E) The area and bulk regulations for the R-2A district shall be as follows:

Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
2	125	65	40	55	5%	15%	35 feet or 2.5 stories

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1) An applicant for a major subdivision involving a parcel or parcels of 25 acres or greater in size shall, at the time an application for preliminary subdivision approval is submitted, include a conceptual layout of a cluster subdivision plan in accordance with the requirements for a cluster subdivision as set forth in Chapter 177.

2) For a major subdivision of previously undeveloped property abutting property developed for residential use shall include a one hundred (100) foot setback from the adjoining residential property. The setback shall be landscaped to a depth of not less than twenty-five (25) feet in a location as approved by the Planning Board. The landscaping shall consist of a mixture of evergreen and deciduous plantings as approved by the Planning Board. The Planning Board shall use its discretion to establish appropriate landscaping and setbacks for re-development projects involving the conversion or the rehabilitation of existing structures and previously disturbed land areas. Roads, pathways, and sidewalks providing access through the buffer are permitted. The setback area shall be permanently preserved by recorded deed instrument in a form approved by the Town Attorney, and which shall provide for Town enforcement of said restriction.

F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the R-2A District. The Planning Board shall use its discretion as to the applicability of these guidelines to re-development projects involving the conversion or the rehabilitation of existing structures and previously disturbed land areas:

1) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

2) The use of through-roads connections to any adjacent R-20,000 District is prohibited. Pedestrian and bicycle pathways connecting to an adjacent R-20,000 District are encouraged.

3) Residential development adjacent to a Center, Hamlet, Business, or Commercial District shall provide pedestrian links to said adjacent district(s). When required by the Planning Board sidewalks shall be separated from a street by a tree lawn at least five (5) feet in width and the sidewalks shall also be at least five (5) feet in width.

4) For uses involving an Adaptive Reuse conversion of a residential structure to non-residential use the Planning Board is hereby expressly authorized to require such additional front, side and rear yard setbacks as may be required to ensure that the non-residential use does not interfere with the quiet enjoyment of adjoining residential properties. The additional setback area, as well as the minimum yard setback area, shall be planted with a mixture of evergreen and deciduous plantings at a height so as to adequately screen the parking area from neighboring properties and streets. The species type, location and planted height of such landscaping shall be subject to the approval of the Planning Board.

5) Require that adequate water supply, sewage disposal and transportation infrastructure be provided.

6) Require the use of cluster subdivision design unless the cluster subdivision fails to meet the "Cluster Preference Criteria".

7) To the extent practicable existing tree rows, hedgerows, stone walls, mature landscaping, natural buffers, and similar features shall be retained in the development of any new use or the expansion of any existing use.

8) To the extent practicable new streets shall be designed to minimize tree clearing and changes to existing topography.

9) The number of off-street parking spaces provided shall be the minimum necessary to

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adequately serve the intended use.

10) New buildings adjacent to historic structures and historic districts shall be designed in a manner consistent with the general architectural features of such historic features in terms of form, materials, fenestration, and roof shape.

§ 210-15A. Residence, Single Family 1.5 Acre (R-1.5A).

A) Purpose. This district is intended to conserve natural and open space adjacent to the more densely developed residential neighborhoods within the Town by promoting a balance of open space and moderate-density, single-family residential uses consistent with the availability of support infrastructure and natural resource constraints. Conservation of natural land and its integration within a system of contiguous open space is a primary objective.

B) Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Cemeteries, subject to §210-62.
2) *Country clubs, subject to §210-65.
3) Dwelling, single-family.
4) Family day-care home, subject to §210-66.
5) *Golf courses, subject to §210-73.
6) *Parks.
7) *Places of religious worship, subject to §210-94.
8) *Playgrounds.
9) *Public utility structures, subject to §210-96.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) Accessory apartments, subject to §210-47.
2) Agriculture excluding farm animals, subject to §210-50.
3) Agriculture including farm animals, subject to §210-51.
4) *Bed-and-breakfast, subject to §210-55.
5) *Day-care center, subject to §210-66.
6) *Fraternal clubs, subject to §210-65.
7) Home occupations, subject to §210-74.
8) *Kennels, subject to §210-78.
9) *Nursery school, subject to §210-66.
10) *Recreational clubs, subject to §210-65.
11) *Recreation, outdoor, subject to §210-98.
12) School-age child-care facility, subject to §210-66.
13) *Swimming pools (public), subject to §210-108.

D) Accessory uses shall be as follows:

1) Accessory buildings and structures, subject to §210-48.
2) Swimming pools (private), subject to §210-107.

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3) Temporary buildings for construction purposes, subject to §210-109.

4) Tennis court (private), subject to §210-111.

E) The area and bulk regulations for the R-1.5A district shall be as follows:

Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
1 ½ (1.5)	100	55	30	45	5%	15%	35 feet or 2.5 stories

1) An applicant for a major subdivision involving a parcel or parcels of 25 acres or greater in size shall, at the time an application for preliminary subdivision approval is submitted, include a conceptual layout of a cluster subdivision plan in accordance with the requirements for a cluster subdivision as set forth in Chapter 177.

2) For a major subdivision of previously undeveloped property abutting property developed for residential use shall include a one hundred (100) foot setback from the adjoining residential property. The setback shall be landscaped to a depth of not less than twenty-five (25) feet in a location as approved by the Planning Board. The landscaping shall consist of a mixture of evergreen and deciduous plantings as approved by the Planning Board. The Planning Board shall use its discretion to establish appropriate landscaping and setbacks for re-development projects involving the conversion or the rehabilitation of existing structures and previously disturbed land areas. Roads, pathways, and sidewalks providing access through the buffer are permitted. The setback area shall be permanently preserved by recorded deed instrument in a form approved by the Town Attorney, and which shall provide for Town enforcement of said restriction.

F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the R-1.5A District. The Planning Board shall use its discretion as to the applicability of these guidelines to re-development projects involving the conversion or the rehabilitation of existing structures and previously disturbed land areas:

1) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

2) The use of through-roads connections to any adjacent R-20,000 District is prohibited. Pedestrian and bicycle pathways connecting to an adjacent R-20,000 District are encouraged.

3) Residential development adjacent to a Center, Business, or Commercial District shall provide pedestrian links to said adjacent district(s). When required by the Planning Board sidewalks shall be separated from a street by a tree lawn at least five (5) feet in width and the sidewalks shall also be at least five (5) feet in width.

4) For uses involving an Adaptive Reuse conversion of a residential structure to non-residential use the Planning Board is hereby expressly authorized to require such additional front, side and rear yard setbacks as may be required to ensure that the non-residential use does not interfere with the quiet enjoyment of adjoining residential properties. The additional setback area, as well as the minimum yard setback area, shall be planted with a mixture of evergreen and deciduous plantings at a height so as to adequately screen the parking area from neighboring properties and streets. The species type, location and planted height of such landscaping shall be subject to the approval of the Planning Board.

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5) Require that adequate water supply, sewage disposal and transportation infrastructure be provided.

6) Require the use of cluster subdivision design unless the cluster subdivision fails to meet the "Cluster Preference Criteria".

7) To the extent practicable existing tree rows, hedgerows, stone walls, mature landscaping, natural buffers, and similar features shall be retained in the development of any new use or the expansion of any existing use.

8) To the extent practicable new streets shall be designed to minimize tree clearing and changes to existing topography.

9) The number of off-street parking spaces provided shall be the minimum necessary to adequately serve the intended use.

10) New buildings adjacent to historic structures and historic districts shall be designed in a manner consistent with the general architectural features of such historic features in terms of form, materials, fenestration, and roof shape.

§ 210-16. Residence, Single Family 20,000 square foot (R-20,000) District.

A) Purpose. This district recognizes and is intended to preserve the principally single-family residential development pattern within the Town's established neighborhoods by promoting continuing opportunity for single-family residential and smaller-scale community facility uses within these neighborhoods consistent with their established character. To the extent undeveloped land within this district is available for major subdivision, the use of open space preservation techniques such as clustering of homes is encouraged in order to establish links to existing open space areas.

B) Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Cemeteries, no crematorium, subject to §210-62.

2) *Country clubs, subject to §210-65.

3) Dwelling, single-family.

4) Family day-care home, subject to §210-66.

5) *Golf courses, subject to §210-73.

6) *Libraries.

7) *Museums.

8) *Parks.

9) *Places of religious worship, subject to §210-94.

10) *Playgrounds.

11) *Public utility structures, subject to §210-96.

12) *Schools.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval):

1) Agriculture excluding farm animals, subject to §210-50.

2) Agriculture including farm animals, subject to §210-51.

3) *Bed-and-breakfast, subject to §210-55.

4) *Day-care center, subject to §210-66.

5) *Fraternal clubs, subject to §210-65.

6) Home occupations, subject to §210-74.

7) *Kennels, subject to §210-78.

8) *Nursery school, subject to §210-66.

9) *Nursing homes and alternate care housing, subject to §210-91.

10) *Recreational clubs, subject to §210-65.

11) *Recreation, outdoor, subject to §210-98.

12) *School-age child-care facility, subject to §210-66.

13) *Swimming pools (public), subject to §210-108.

D) Accessory uses shall be as follows:

1) Accessory buildings and structures, subject to §210-48.

2) Swimming pool (private), subject to §210-107.

3) Temporary buildings for construction purposes, subject to §210-109.

4) Tennis court (private), subject to §210-111.

E) The area and bulk regulations for the R-20,000 district shall be as follows:

Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
20,000	100	30	20	30	25%	35%	35 feet or 2.5 stories

1) An applicant for a major subdivision involving a parcel or parcels of 25 acres or greater in size shall, at the time an application for preliminary subdivision approval is submitted, include a conceptual layout of a cluster subdivision plan in accordance with the requirements for a cluster subdivision as set forth in Chapter 177.

2) For a major subdivision of previously undeveloped property abutting property developed for residential use shall include a one hundred (100) foot setback from the adjoining residential property. The setback shall be landscaped to a depth of not less than twenty-five (25) feet in a location as approved by the Planning Board. The landscaping shall consist of a mixture of evergreen and deciduous plantings as approved by the Planning Board. The Planning Board shall use its discretion to establish appropriate landscaping and setbacks for re-development projects involving the conversion or the rehabilitation of existing structures and previously disturbed land areas. Roads, pathways, and sidewalks providing access through the buffer are permitted. The setback area shall be permanently preserved by recorded deed instrument in a form approved by the Town Attorney, and which shall provide for Town enforcement of said restriction.

F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the R-20,000 District. The Planning Board shall use its discretion as to the applicability of these guidelines to re-development projects involving the conversion or the rehabilitation of existing structures and previously disturbed land areas:

1) Require that adequate water supply, sewage disposal and transportation infrastructure

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be provided.

2) Require the use of cluster subdivision design unless the cluster subdivision fails to meet the "Cluster Preference Criteria".

3) Sidewalks of at least five (5) feet in width shall be provided along any street and shall, where practicable, link with existing and future potential sidewalks and pedestrian pathways. The sidewalks shall be separated from the street by a tree lawn at least five (5) feet in width. In approving sidewalks the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.

4) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

5) Require the use of through-roads within new subdivisions and prohibit the use of cul-de-sac roads within new subdivisions unless the Planning Board finds that such cul-de-sac road is necessary to protect the public health and safety.

6) The adaptive reuse of structures shall be performed in such a way so as to complement the character of the existing neighborhood.

7) The development of public parks, athletic facilities, educational amenities and other low-density uses that require large acreage is be encouraged.

8) To the extent practicable existing tree rows, hedgerows, stone walls, mature landscaping, natural buffers, and similar features shall be retained in the development of any new use or the expansion of any existing use.

9) The number of off-street parking spaces provided shall be the minimum necessary to adequately serve the intended use.

10) On street parking shall be discouraged with non-residential uses.

11) Off-street parking lots and loading areas, accessory use structures or storage other than sheds shall be screened from walkways and streets utilizing appropriate vegetation and/or fencing.

12) Where practicable, new buildings adjacent to existing structures shall be designed in a manner consistent with the general architectural features of such existing structures in terms of form, materials, and fenestration and roof shape.

13) New or in-fill buildings in shall be located in line with existing buildings to maintain the integrity of the existing building setback line of the street.

§ 210-17. Residence, Multi-Family (R-M) District.

A) Purpose. The district recognizes established areas of higher-density multi-family development and is intended to promote low to mid-rise multi-unit residential development in those locations.

B) Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Dwelling, multifamily.

2) *Dwelling, two-family.

3) Dwelling, single-family.

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4) Family day-care home, subject to §210-66.

5) *Hospitals.

6) *Nursing homes and alternate care housing, subject to §210-91.

7) *Parks.

8) *Playgrounds.

9) *Public utility structures, subject to §210-96.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) Agriculture excluding farm animals, subject to §210-50.

2) Agriculture including farm animals, subject to §210-51.

3) *Day-care center, subject to §210-66.

4) Home occupations, subject to §210-74.

5) *Nursery school, subject to §210-66.

6) School-age child-care facility, subject to §210-66.

7) *Swimming pools (public), subject to §210-108.

D) Accessory uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) Accessory buildings and structures, subject to §210-48.

2) *Recreation area for a multifamily complex.

3) *Swimming pool (multifamily), subject to §210-108.

4) Swimming pool (private), subject to §210-107.

5) Temporary buildings for construction purposes, subject to §210-109.

6) *Tennis court (private), subject to §210-111.

E) The area and bulk regulations for the R-M district shall be as follows:

Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Side Yards[d,e] Side (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height[h]	Minimum Landscaped Area (%)
Single-family	10,000	85	30[b]	10 and 10[c]	50	25%	40%	35 feet or 2.5 stories	20%
Two-family	10,000	85	30[b]	10 and 10	50	25%	40%	35 feet or 2.5 stories	25%
Multi-family[a]	7,260/ dwelling unit	200	30[b]	20 and 20	40	25%	40%	40 feet or 3 stories	35%[g]

[a]Distance between buildings. For multifamily dwellings in more than one structure, the distance between a main building and a one-story accessory building shall not be less than 20 feet; the distance between any two other buildings shall be equal to the average height of such buildings at the points where they are nearest one another.

[b]Front yard exceptions. In an area where the average existing front yard setback is less than 30 feet, a single-family dwelling or multifamily structure may be erected less than 30 feet from the street line, provided that no building or part thereof shall be erected nearer to any street line than the average alignment of existing buildings within 200 feet on each side of the lot.

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[c]Side yard exceptions. In the case of a single-family dwelling erected without a garage, one side yard shall not be less than 25 feet wide. The applicant shall decide which side yard shall have the required dimension.

[d]Parking. In the case of multifamily dwelling(s), no required parking facilities shall be located within 30 feet of any street line or within 20 feet of any property line.

[e]Yard requirements for buildings other than dwellings. In the case of all buildings other than dwellings and accessory buildings, the yard requirements shall be not less than 50 feet except where otherwise stated in Article VIII, Supplementary Regulations.

[g]Minimum landscaped area. At least 35% of the lot area of a multifamily development shall be covered by landscaping in compliance with §210-80, "Landscaping".

[h]Height requirements for buildings other than dwellings. In the case of all buildings other than dwellings and accessory buildings, the maximum height shall not exceed 40 feet or three stories.

1) Development of previously undeveloped property abutting property developed for residential use shall include a fifty (50) foot setback from the adjoining residential property. The setback shall be landscaped to a depth of not less than twenty-five (25) feet in a location as approved by the Planning Board. The landscaping shall consist of a mixture of evergreen and deciduous plantings as approved by the Planning Board. The Planning Board shall use its discretion to establish appropriate landscaping and setbacks for re-development projects involving the conversion or the rehabilitation of existing structures and previously disturbed land areas. Roads, pathways, and sidewalks providing access through the buffer are permitted. The setback area shall be permanently preserved by recorded deed instrument in a form approved by the Town Attorney, and which shall provide for Town enforcement of said restriction.

F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the R-M District. The Planning Board shall use its discretion as to the applicability of these guidelines to re-development projects involving the conversion or the rehabilitation of existing structures and previously disturbed land areas:

1) Sidewalks of not less than five (5) feet in width shall be provided along any street and shall, where practicable, link with existing and future potential sidewalks and pedestrian pathways. The sidewalks shall be separated from the street by a tree lawn not less than five (5) feet in width. In approving sidewalks the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.

2) Off street parking should be located at the side or rear of buildings.

3) The incorporation of small, landscaped, front yards is encouraged.

4) The construction of any blank, windowless facade facing a corridor that provides frontage for the lot on which the building is located is prohibited. All facades that face a street, parking lot or public area shall have windows.

5) The number of off-street parking spaces provided should be the minimum necessary to adequately serve the intended use.

6) Cross-easements should be used to provide shared access to parking and driveways whenever possible.

7) Off-street parking lot and loading areas, accessory use structures or storage other than sheds should be screened from walkways and streets utilizing appropriate vegetation and/or fencing.

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§ 210-18. Residence, New Hamburg (R-NH) District.

A) Purpose. The purpose of this district is to maintain and preserve the traditional mixture of residential, business and water-related uses in the hamlet and to preserve the historic character of structures and uses.

B) Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Boat and marine sales, subject to §210-56.
2) Dwelling, single-family.
3) *Dwelling, two family
4) Family day-care home, subject to §210-66.
5) *Marina, subject to §210-82.
6) *Museums.
7) *Office.
8) *Parks.
9) *Personal service business, not including laundromats.
10) *Places of religious worship, subject to §210-94.
11) *Playgrounds.
12) *Water-dependent, waterfront recreation facilities, including boat or yacht clubs.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) Accessory apartment, subject to §210-47.
2) *Adaptive reuse of existing residential structure for non-residential use.
3) *Art gallery.
4) *Bed-and-breakfast, subject to §210-55.
5) *Clubs, fraternal, subject to §210-65.
6) *Funeral home, subject to §210-71.
7) *Grocery store, drugstore, hardware store or similar facility providing goods primarily to the immediate neighborhood.
8) Home occupations, subject to §210-74.
9) *Railroad or bus station.

D) Accessory uses shall be as follows:

1) Accessory buildings and structures, subject to §210-48.
2) Swimming pool (private), subject to §210-107.
3) Temporary buildings for construction purposes, subject to §210-109.

E) The area and bulk regulations for the R-NH district shall be as follows:

Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard[a] (feet)	Minimum Yard Side (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)

Single-family, 2-family and non-residential	6,000	40	30[a]	5 and 10	30	25%	75%	35 feet or 2.5 stories

[a]Front yard exceptions. In an area where the average existing front yard setback is less than 30 feet, a structure may be erected less than 30 feet from the street line, provided that no building or part thereof shall be erected nearer to any street line than the average alignment of existing buildings within 200 feet on each side of the lot.

§ 210-19. Residence, Mobile Home (R-MH) District.

A) Purpose. In order to achieve a balanced residential community, a variety of housing accommodations must be provided. This section provides for areas in which mobile homes are to be concentrated at a medium-high density. The R-MH Mobile Home District is intended to be located in areas where community facilities and utilities, the transportation network and the availability of shopping and office facilities are appropriate to the density.

B) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Nursery school, subject to §210-66.

2) *School-age child-care facility, subject to §210-66.

3) *Mobile home parks and mobile home park subdivisions, subject to §210-83 and §210-84.

C) Accessory uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Accessory buildings and structures, subject to §210-48.

2) *Bus passenger shelter.

3) *Recreation area for a mobile home park or mobile home park subdivision.

4) *Swimming pool (private), subject to §210-107.

5) Temporary buildings for construction purposes, subject to §210-109.

6) *Tennis court (private), subject to §210-111.

D) The area and bulk regulations for the R-MH district shall be as follows:

Use	Minimum Lot Area (sq. ft.)	Minimum Frontage (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Development Lot Line (feet)
Mobile home parks and mobile home park subdivisions	6,000[a]	15	15[b]	10	10	30

[a]Single-wide mobile homes may be placed on lots of 5,000 square feet.

[b]No mobile home shall be placed within 15 feet of any access road.

1) Development of previously undeveloped property abutting property developed for residential use shall include a fifty (50) foot setback from the adjoining residential property. The setback shall be landscaped to a depth of not less than twenty-five (25) feet in a location as approved by the Planning Board. The landscaping shall consist of a mixture of evergreen and deciduous plantings as approved by the Planning Board. The Planning Board shall use its discretion to establish appropriate landscaping and setbacks for re-development projects involving the conversion or the rehabilitation of existing structures and previously disturbed land areas. Roads, pathways, and sidewalks providing access through the buffer are permitted. The setback area shall be

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permanently preserved by recorded deed instrument in a form approved by the Town Attorney, and which shall provide for Town enforcement of said restriction.

§ 210-20. Reserved

§ 210-21. Reserved

ARTICLE V
TOWN CENTERS

§ 210-22. Arlington Town Center (ATC) Districts.

A) District Purpose. The district recognizes the Arlington area as a unique blend of residential and business land uses in close proximity to Vassar College. Land uses include established single family, two-family, and multi-family development in close proximity to neighborhood scale service and retail businesses within the Arlington area. An appropriate mixture of land uses is permitted; nonresidential uses that complement residential uses are encouraged. In addition, this district serves the following specific purposes:

1) Promote a mix of commercial and residential uses.
2) Promote the prominent positioning of civic buildings and central green spaces in order to enhance community identity and public interaction.
3) Promote pedestrian activity through a safe and walkable environment.
4) Minimize the visual impact of the automobile by managing the placement and screening/landscaping of parking areas.
5) Create an interconnected street system for both pedestrian and vehicular traffic.
6) Encourage the development of both on-street parking and shared parking areas between nearby uses.
7) Protect important natural and historic features.
8) Encourage the redevelopment and reuse of existing structures.

B) Permitted uses. Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Art gallery
2) *Bank and financial services.
3) *Bakery.
4) *Bed & Breakfast.
5) *Boutiques with or without goods processed or assembled on site, subject to §210-57.
6) *Delicatessen.
7) *Dwelling, two-family.
8) Dwelling, single-family.
9) *Family day-care home, subject to §210-66.
10) *Laundry, Laundromat.
11) *Libraries.

12) *Museums.

13) *Office.

14) *Personal service business, no drive-in or drive-thru

15) *Places of religious worship, subject to §210-94.

16) *Retail business, no drive-in or drive-thru.

17) *Service business, no drive-in or drive-thru.

18) *Restaurants, no drive-in or drive-thru.

19) *Supermarket.

20) *Theater.

C) Special permitted uses. Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) Accessory apartment within a single-family dwelling, subject to §210-47.

2) *Adaptive reuse of existing residential structure for non-residential use.

3) *Bed-and-breakfast, subject to §210-55.

4) *Clinics.

5) *Day-care center, subject to §210-66.

6) *Funeral home, subject to §210-71.

7) Home occupations, subject to §210-74.

8) *Hotel, motel, subject to §210-75.

9) *Inn, subject to §210-77.

10) *Multi-family dwellings, new construction, and mixed residential and non-residential uses within multi-story structures as part of a unified development on a single lot. See special rules below for the rehabilitation and reuse of existing, legal multi-family structures for multi-family use.

11) *Motor vehicle accessory sales.

12) *Nursery school, subject to §210-66.

13) *Outdoor restaurant dining area.

14) School-age child-care facility, subject to §210-66.

D) Accessory uses shall be as follows:

1) Accessory buildings and structures, subject to §210-48.

2) Swimming pool (private), subject to §210-107.

3) Temporary buildings for construction purposes, subject to §210-109.

E) The area and bulk regulations for the ATC district shall be as follows:

Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard[a] (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)

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5,000	30	5	0	20	60%	95%	45 feet or 3 stories _____ over 45 feet or three stories up to75 feet or 5 stories by special use permit

[a]Front yard exceptions. In an area where the average existing front yard setback for structures along the street is less than 5 feet, a structure may be erected less than 5 feet from the street line, provided that no building or part thereof shall be erected nearer to any street line than the average alignment of existing buildings within 200 feet on each side of the lot.

1) On a lot no single retail use shall occupy ground floor space in excess of 8,000 square feet. The continuous ground level frontage of a single commercial use building in excess of 40 feet in length along any frontage exposed to a street, public space or parking area and ground level commercial uses larger than 4,000 square feet shall be contained in a mixed-use structure or be architecturally designed to appear as a streetscape composed of a variety of small buildings that helps to further prevent the visual dominance or appearance of a single, large commercial use.

2) Maximum residential dwelling unit density. Residential density shall not exceed six (6) dwelling units per acre. Notwithstanding, a residential density of up to eight (8) units per acre may be constructed subject to special permit approval by the Planning Board. In addition, residential dwelling units located immediately above a ground floor, second floor, or third floor non-residential use shall not be counted against the maximum residential dwelling unit density provided the building meets applicable coverage and open space requirements, sufficient parking for the residential uses is provided, and open space is set aside for the dwelling units as provided herein.

3) Ingress and egress. Locations for ingress and egress to a lot shall be approved by the Planning Board and shall be so arranged as to connect with existing state, county or Town highways, or to a proposed Town highway that has been approved by the Town Board.

4) The rehabilitation and reuse of existing multi-family structures for multi-family use shall be exempt from the area and bulk regulations of the ATC District and the minimum parking requirements of this Chapter, and shall be exempt from special permit review and site plan review under this Chapter, and the maximum residential dwelling unit density may be as high as twelve (12) units per acre, provided:

   a) The multi-family use and/or structure is legally conforming or legally non-conforming as of the date of adoption of this Chapter; and

   b) The rehabilitation does not involve an expansion of the existing building so as to increase its floor area or that of any accessory structures on the property; and

   c) No dwelling unit within the multi-family structure shall contain more than two bedrooms.

   d) No dwelling unit is less than 600 gross square feet.

F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the ATC District. The Planning Board shall use its discretion as to the applicability of these guidelines to an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.

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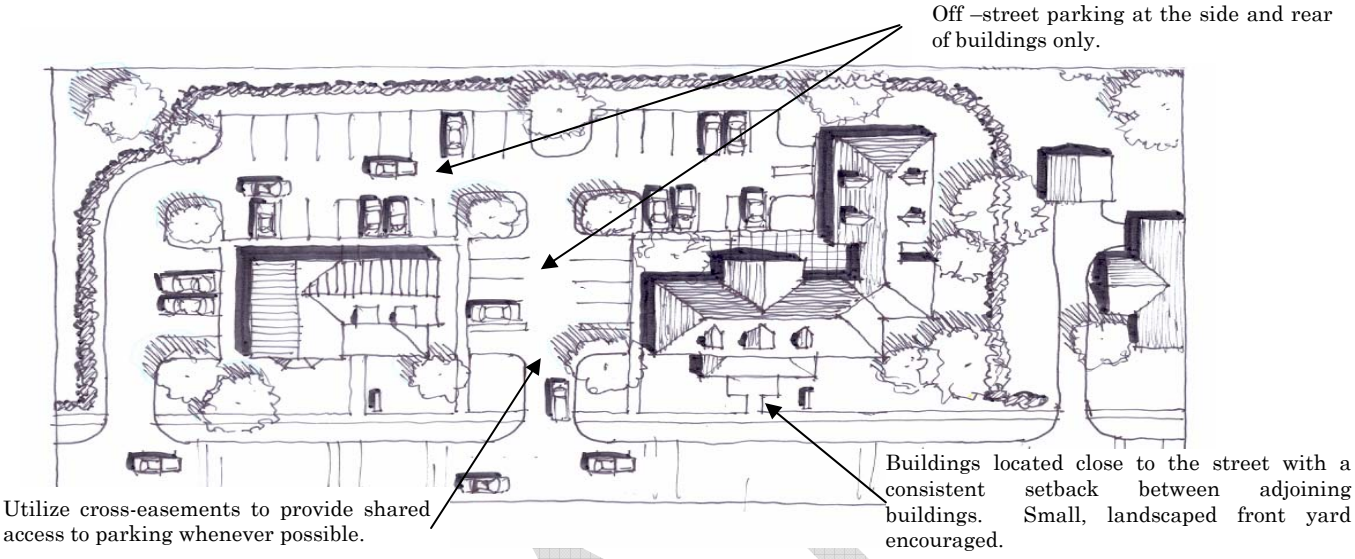
1) The Planning Board is empowered to require a mix of uses in any development project. Further, the Planning Board is empowered to require that a development be phased to ensure the required mix of uses is implemented. In considering a mixed residential and non-residential development proposed for a single lot or as part of a unified development



on several lots, the Planning Board shall ensure that the percentage of floor area devoted to residential uses do not, generally, exceed eighty percent of the total floor area of a proposed development.

2) Single story buildings are prohibited. Two- or three-story buildings are required for all residential and business use structures throughout the entire ATC District. Larger-scale facilities (conference spaces, theaters, supermarkets or department stores, for example) shall occur behind smaller-scale buildings or storefronts with pedestrian orientation.

3) The establishment of mixed-use, multi-story dwellings is the preferred form of use.

4) New or in-fill construction shall be designed so as to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape.

5) Setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter.

6) Shrubbery shall be no higher than four feet above existing street grades, nor shall any tree with foliage extend below 10 feet above the established street grades. All landscaping (trees, shrubs, planted beds) shall be maintained within 20 feet of any street intersection or 10 feet of driveway/street intersections. This restriction is for purposes of maintaining visibility at all times.

7) Where parking lots and drives abut the landscaped strip along the street right-of-way, evergreen shrubs and/or a three-foot stone wall, as approved by the Planning Board, should be provided for screening. The screening should be a plant species that is a minimum of three feet high and a maximum of six feet high, and extends along the entire street frontage of the parking lot, exclusive of driveways and visibility lines.

8) For uses involving an Adaptive Reuse conversion of a residential structure to non-residential use the Planning Board is hereby expressly authorized to require such additional front, side and rear yard setbacks as may be required to ensure that the non-residential use does not interfere with the quiet enjoyment of adjoining residential properties. The additional setback area, as well as the minimum yard setback area, shall be planted with a mixture of evergreen and deciduous plantings at a height so as to adequately screen the parking area from neighboring properties and streets. The species type, location and planted height of such landscaping shall be subject to the approval of the Planning Board.

9) Sidewalks shall be provided as a design element of all new and re-developed streets. Street trees shall be provided and all street trees should be tolerant of urban condition, especially salt and sand deposited with snow removal. Mulched tree wells should be placed around the base of each tree for protection and moisture retention. Property owners shall have responsibility for planting and maintaining trees along street frontage(s) within the Town's right-of-way. The sidewalks shall be not less than five (5) feet in width, shall be concrete, and shall be separated from the street by a tree lawn at least five (5) feet wide. In approving sidewalks the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.

10) The Planning Board may waive height and setback requirements for designated historic civic buildings, including government buildings, churches, schools, or libraries.

11) The construction of any blank, windowless facade facing a corridor that provides frontage for the lot on which the building is located is prohibited. All facades that face a street, parking lot or public area shall have windows.

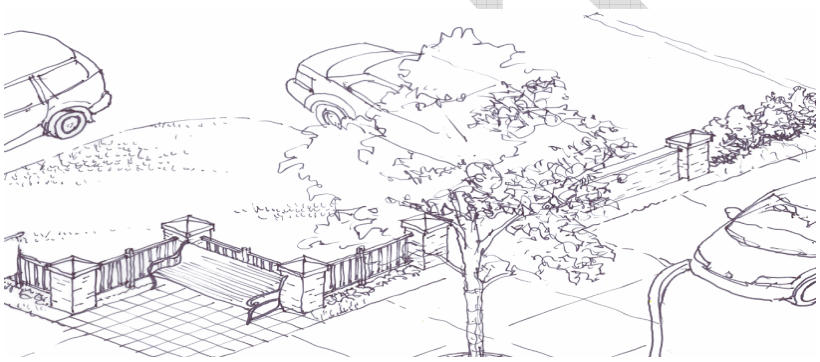
12) Flat roofs shall be avoided, except where the size or type of the building requires a flat roof and façade variations and other architectural features can disguise the flatness of the roof. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entry way or tower element to break the horizontal façade.

13) Any large building façade and the sides visible from the street corridor should

incorporate changes in plane and architectural features that give the appearance of several common-wall buildings.

14) The utilization of ribbon or continuous strip glazing in any building facade is prohibited.

15) The number of off-street parking spaces provided shall be the minimum necessary to adequately serve the intended use. In order to facilitate fewer curb cuts, shared driveways should be used for access to parking lots behind buildings. The Planning Board shall ensure that appropriate cross easements for use and ingress and egress to shared parking facilities are filed with the county clerk as part of development plan approval. Where appropriate the Planning Board may allow on-street parking provided the street width is adequate to safely accommodate on-street parking. Service alleys should access practicable, off-street parking spaces for residential uses.



Use landscaping – such as hedges, shrubs, or low walls of stone, brick, wood, wrought iron, or an acceptable substitute – to screen parking and create an edge along the sidewalk.

16) Off-street parking lots and loading areas, accessory use structures or storage other than sheds shall be screened from walkways and streets utilizing vegetation and/or fencing.

17) Residential rear access lanes should be used for access to garages and parking lots behind buildings.

18) Where practicable, new buildings adjacent to existing structures shall be designed in a manner consistent with the general architectural features of such existing structures in terms of form, materials, and fenestration and roof shape.

19) New or in-fill buildings shall be located in line with existing buildings to maintain the integrity of the existing building setback line of the street.

20) Subject to Town Board approval new streets should connect to existing streets and use a block system to avoid dead-ends whenever practicable.

21) Restaurants may be permitted to operate outdoor cafes in front of and on public sidewalks as long as at least seven feet between the seating area and the curb are maintained free for sidewalk passage.

22) A retail business may be permitted to have a temporary sidewalk display of store merchandise of up to 25% of its sidewalk frontage.

23) Streetlights and other lighting shall not exceed 15 feet in height. Lighting shall be metal halide or other full spectrum fixture and should avoid illumination above the horizontal level into the night sky. All exterior lights shall be designed and located in such a manner as to prevent objectionable light and glare to spill across property lines.

24) Where allowed drive-in and drive-thru windows, lanes and facilities shall be located to the rear of the principal building(s).

25) The Planning Board may, at its sole discretion, approve the joint use of a parking facility and allow a reduction in the parking requirement of up to 50% for two or more principal buildings or uses, either on the same, adjacent, or nearby parcels, where it is clearly demonstrated that the reduction in spaces and shared use of the parking facility will substantially meet the intent of the parking requirements by reason of variation in time of use by patrons or employees among such establishments (offset peak parking demand). There shall be a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of the principal use.

26) Loading and delivery areas may be shared between nearby uses, and shall be determined by the Planning Board on a case-by-case basis.

§ 210-23. South Hills Center (SHC) District.

A) District Purpose. This district defines the area along State Route 9 known as the South Hills Mall. This site has been developed for commercial use since the 1970's, and the following regulations are intended to support the commercial redevelopment of this strategically located property. This district serves the following specific purposes:

1) Promote a mix of business and commercial uses in multi-story buildings.

2) Promote pedestrian activity through a safe and walkable environment and establish connections to existing adjacent residential neighborhoods.

3) Minimize the visual impact of the automobile by managing the placement and screening/landscaping of parking areas.

4) Create an interconnected street system for both pedestrian and vehicular traffic.

5) Encourage the development of both on-street parking and shared parking areas between nearby uses.

B) Permitted uses. Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Bank and financial services.

2) *Bakery, retail, wholesale.

3) *Business park, subject to §210-60.

4) *Boutiques with or without goods processed or assembled on site, subject to §210-57.

5) *Clinics.

6) *Delicatessen.

7) *Health club.

8) *Indoor recreation.

9) *Office.

10) *Personal service business, no drive-in or drive-thru.

11) *Retail business, no drive-in or drive-thru.

12) *Restaurants, no drive-in or drive-thru.

13) *Service business, no drive-in or drive-thru.

14) *Shopping center.

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15) *Supermarket.

16) *Theater.

C) Special permitted uses. Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Clinics.

2) *Day-care center, subject to §210-66.

3) *Hotel, motel, subject to §210-75.

4) *Inn, subject to §210-77.

5) *Motor vehicle accessory sales.

6) *Motor vehicle repair facility.

7) *Outdoor restaurant dining area.

8) *Personal service business, with drive-in or drive-thru.

9) *Retail business, with drive-in or drive-thru.

10) *Restaurants, with drive-in or drive-thru.

11) *Service business, with drive-in or drive-thru.

D) Accessory uses shall be as follows:

1) Accessory buildings and structures, subject to §210-48.

2) Temporary buildings for construction purposes, subject to §210-109.

E) The area and bulk regulations for the SHC district shall be as follows:

Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
10,000	50	5	0	20	30%	90%	45 feet or 3 stories

1) On a lot no single retail use shall occupy ground floor space in excess of 90,000 square feet.

2) The continuous ground level frontage of a single commercial use building in excess of 150 feet in length along any frontage exposed to a street, public space or parking area and ground level commercial uses larger than 45,000 square feet shall be contained in a mixed-use structure or be architecturally designed to appear as a streetscape composed of a variety of small buildings that helps to further prevent the visual dominance or appearance of a single, large commercial use.

3) Ingress and egress. Locations for ingress and egress to a lot shall be approved by the Planning Board and shall be so arranged as to connect with existing state, county or Town highways, or to a proposed Town highway that has been approved by the Town Board.

4) Unless approved by the Planning Board, parking shall be located to the side or to the read of principal structures.

5) A landscaped setback of not less than 30 feet in depth shall be provided along the front yard, side yard, and rear yard of any lot, except where the non-residential development abuts a property in residential use in which case the setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-

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152(A)(2) of this Chapter. Roads, pathways, and sidewalks providing access through the buffer are permitted. The setback area shall be permanently preserved by recorded deed instrument in a form approved by the Town Attorney, and which shall provide for Town enforcement of said restriction

F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the SHC District. The Planning Board shall use its discretion as to the applicability of these guidelines an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein. :

1) The Planning Board is empowered to require a mix of business and commercial uses in any development project. Further, the Planning Board is empowered to require that a development be phased to ensure the required mix of uses is implemented.

2) Two-and three story buildings designed to accommodate retail, office and service business uses are required for the entire SHC District. Buildings shall be located close to existing and proposed street lines with parking oriented to the rear of the principal structures.

3) New or in-fill construction shall be designed so as to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape.

4) Shared parking facilities are encouraged. The Planning Board shall ensure that appropriate cross easements for use and ingress and egress to shared parking facilities are filed with the county clerk as part of development plan approval. Where appropriate the Planning Board may allow on-street parking provided the street width is adequate to safely accommodate on-street parking. Service alleys should access practicable, off-street parking spaces for residential uses.

5) Shrubbery shall be no higher than four feet above existing street grades, nor shall any tree with foliage extend below 10 feet above the established street grades. All landscaping (trees, shrubs, planted beds) shall be maintained within 20 feet of any street intersection or 10 feet of driveway/street intersections. This restriction is for purposes of maintaining visibility at all times.

6) New or in-fill construction should be designed so as to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape.

7) The development of public parks, commons, or small pedestrian plazas with amenities such as benches and landscaping is encouraged.

8) The construction of any blank, windowless facade facing a corridor that provides frontage for the lot on which the building is located is prohibited. All facades that face a street, parking lot or public area shall have windows.

9) The utilization of ribbon or continuous strip glazing in any building facade is prohibited.

10) The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements shall result in an overall design that complements the existing character of the streetscape.

11) Any large building façade and the sides visible from the transportation corridor should incorporate changes in plane and architectural features that give the appearance of several common-wall buildings.

12) All streets shall be designed to permit the installation of electric, water, sewer, gas and

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other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

13) The number of off-street parking spaces provided should be the minimum necessary to adequately serve the intended use.

14) Where practicable, service alleys for deliveries and utility access should be established along rear property lines.

15) Drive-in and drive-thru facilities shall be located rear of buildings and landscaping shall be used to reduce the visibility of such facilities.

16) Off-street parking lots and loading areas, accessory use structures or storage other than sheds should be screened from walkways and streets utilizing appropriate vegetation and/or fencing.

§ 210-24. Crown Heights Center Overlay (CHCO) District.

A) District Purpose. This overlay district defines primary development area that is 1,760 feet in diameter with its center at the centerline of Route 9, 200 feet south of Mile Marker 1114, and a secondary development area that is 2,200 feet in diameter from the same center line. The overlay district is a supplement to the underlying zoning districts for the area along State Route 9 known as Crown Heights which was developed for industrial, office, and retail uses for many decades. Many of these properties are in a dilapidated, obsolete and blighted condition, and this overlay district is intended to encourage the redevelopment of properties within the overlay for mixed residential and commercial uses in a traditional neighborhood district setting while encouraging the phasing out of the underlying B-H, O-R, R-M district regulations as applied to properties located within the overlay district. The following regulations are intended to support the redevelopment of the properties located within the overlay district. This district serves to encourage the use of the approval procedure of this section to achieve the following specific purposes:

1) A mix of residential and non-residential uses in multi-story and some limited single story buildings designed as an integrated community spanning both sides of Route 9.

2) Promote pedestrian activity through a safe and walkable environment, encourage the development of parks and greenspaces and establish connections to existing or future adjacent residential neighborhoods and commercial developments.

3) Minimize the visual impact of the automobile by managing the placement and screening/landscaping of parking areas.

4) Create an interconnected street system for both pedestrian and vehicular traffic.

5) Encourage the development of both on-street parking and shared parking areas between nearby uses.

6) Establish a walkable area which promotes development and redevelopment of vacant and obsolete buildings the phasing out of less desirable uses.

7) Promote an adequate critical mass of employees, shoppers and residents within a five- to ten-minute walk of the CHCO District which encourages people to park and then walk because walking becomes more convenient than driving for short trips within the core.

8) Promote a retail shopping and business environment that is not strip-retail oriented, where shoppers park once and walk between adjoining commercial uses where the buildings are primarily connected to each other or use zero lot lines.

9) Surround the CHCO District with primarily residential neighborhoods developed in a Traditional Neighborhood Design where residents can conveniently walk in less than 10 minutes to the core, thus reducing vehicular trips in the Route 9 corridor for daily

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services and creating a neighborhood vibrancy found only in a walkable community, and facilitate interconnection with clustered residential development on adjoining residentially zoned lands at the perimeter of the CHCO District.

10) Provide public gathering spaces such as central greens and centerpiece civic buildings in prominent locations to promote community identity, public activities and programmed events such as fairs, festivals and cultural functions.

11) Provide for a diverse range of housing options within walkable proximity to employment, retail, services and community facilities including single-family, two-family homes, and multi-family such as attached townhouses, live/work units, condominiums, lofts and apartments.

12) Preserve, enhance and incorporate natural and historic features in order to enhance a sense of place, greenway connections and natural edge conditions.

B) Permitted principal and accessory uses within the CHCO District shall be as follows. All proposed CHCO development shall follow the procedures set forth in section "C" below. All CHCO uses shall also require site plan review and approval by the Planning Board in accordance with §210-150 of this Chapter, and subdivision review and approval by the Planning Board, if applicable, in accordance with Chapter 177:

1) Accessory apartments.

2) Accessory buildings and structures customary to the permitted principal uses.

3) Art gallery.

4) Bakery, retail.

5) Band stands, skating rinks, miniature golf, swimming pools.

6) Bank or financial services.

7) Bar, tavern.

8) Bus passenger shelter.

9) Bowling alleys.

10) Clinics.

11) Club, health and fitness.

12) Convenience store.

13) Country clubs.

14) Day care center.

15) Delicatessen.

16) Dwelling, two-family.

17) Dwelling, single family, including attached and semi-detached units.

18) Dwelling, multi-family, including town homes, apartments, lofts, and condominiums.

19) Fraternal clubs.

20) Garage, commercial.

21) Golf courses.

22) Grocery store.

23) Home occupations.

24) Indoor recreation uses.

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25) Inn.

26) Laundry, Laundromat, dry cleaner.

27) Libraries and civic uses.

28) Medical offices.

29) Museums.

30) Office.

31) Parks.

32) Parking lots.

33) Personal service business.

34) Places of religious worship.

35) Playgrounds.

36) Public utility structures.

37) Restaurant.

38) Retail business.

39) Service business.

40) Supermarket, grocery, not to exceed 50,000 gross square feet.

41) Temporary buildings for construction purposes.

42) Theaters, playhouses.

43) Veterinary offices.

C) Town Board initial review of development plan. In order to encourage the orderly development of the CHCO District as a high density mixed use residential/commercial center the following procedures shall apply:

1) Initial Determinations by the Town Board: In lieu of the procedures set forth in section 210-66, neither the Planning Board, or the Zoning Board of Appeals, or any other administrative agency, board, body, or officer of the Town of Poughkeepsie may receive, process, or determine applications for subdivision approval, site plan approval, special permit approval, use variances, area variances, aquatic resource permits, or any other land use approvals for property in the CHCO District without the prior determination by the Town Board under this section that the subject matter of the proposed application or applications is/are in technical compliance with the stated CHCO District purposes, stated permitted principal and accessory uses within the CHCO District, and density requirements of the CHCO District, as such purposes, uses, and density are set forth in subdivisions A, B, and D of this section. This Town Board determination does not direct approval or limit or modify the authority otherwise existing under law for the receipt, processing and approval of any one or more applications by any boards, bodies and officers. This determination by the Town Board does not commit or direct any board, body, or officer of the Town to any course of future decisions. All obligations applicable under the New York State Environmental Quality Review Act (ECL Article 8 and the accompanying regulations in 6 NYCRR Part 617, as the same may be amended from time to time) shall be carried out by the agency, board, body, or officer receiving, processing and determining applications for approvals. The determination by the Town Board described in this section is a Type II action pursuant to 6 NYCRR section 617.5 (28), to wit: engaging in review of any part of an application to determine compliance with technical requirements provided that no such determination entitles or permits a project sponsor to commence an action unless and until all requirements in Part 617 have been

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fulfilled, and, accordingly, such Town Board approval is not subject to review under Part 617. It is expected that the Town Board's determination of technical compliance will occur rapidly in order to allow the Planning Board to continue its review of the site plan and subdivision applications in order to avoid unnecessary delay. The Town Board shall issue its determination within sixty-two (62) days of receipt of an application for a CHCO development project.

2) The use, area and bulk requirements of the underlying zoning districts for property within the CHCO Overlay District are superseded by approvals granted pursuant to the terms of the CHCO District as set forth in this section. Upon the determination of the Town Board, as set forth in subsection (1) above, the Planning Board shall have the authority to receive and process an application for site plan, subdivision, special permit, and any other related approvals for a CHCO District Development. Similarly, other agencies, boards, bodies, or officers may receive any applications relating to other aspects of a CHCO District Development, in compliance with law. The location of principal and accessory uses, the architectural design and height of buildings, the minimum area and bulk requirements, maximum lot coverage, maximum impervious surface coverage and other area and bulk requirements shall be determined and approved by the Planning Board during site plan and subdivision review.

D) The area and bulk regulations and supplemental regulations for the CHCO district shall be as follows:

Minimum Land Area Required (acres)	Minimum Lot Frontage (feet)	Minimum Lot Depth (feet)
10	300	400

1) The minimum lot area of the original parcel may be comprised of one or more contiguous parcels of land owned by one or more owners provided that the application for development master plan and site plan and subdivision approvals is presented as a unified plan under which each owner shall agree to participate in a common development scheme.

2) The use of Traditional Neighborhood Development design is required. A mix of commercial uses and/or residential and commercial uses in all development projects is required.

3) Maximum retail use density. Within the CHCO District not less than twenty-five (25%) percent of gross area of all commercial space shall be non-retail uses such as offices, service and personal service business, health clubs, recreational uses, theatres, restaurants, civic uses, or other uses not principally devoted to sale of goods for removal from the premises. Nothing herein shall be construed to prevent the development of a greater amount of non-retail commercial space than the minimum of twenty-five (25%) percent of all non-residential floor area within the CHC District.

4) On a lot no single retail use shall occupy ground floor space in excess of 70,000 square feet. The continuous ground level frontage of a single commercial use building in excess of 150 feet in length along any frontage exposed to a street, public space or parking area and ground level commercial uses larger than 40,000 square feet shall be contained in a mixed-use structure or be architecturally designed to appear as a streetscape composed of a variety of small buildings that helps to further prevent the visual dominance or appearance of a single, large commercial use.

5) Maximum residential dwelling unit density.

   a) Within the primary development area residential density shall not exceed four (4) dwelling units per acre. Minimum parcel size is not specified.

   b) The land area within the secondary development area shall not be used to calculate additional residential density. The purpose of the secondary development area is to

allow additional land area for the development of residential and non-residential uses that cannot practically be constructed within the primary development area while not providing for additional residential density based on the additional land area of the secondary development area. Notwithstanding, residential units that might otherwise be constructed on land adjoining the secondary development area that are located within the R-2A and the R-20,000 districts may be constructed within the secondary development area, provided such units are developed as part of an overall CHCO development plan.

c) Changes to residential dwelling unit density within the CHCO District may only be approved by the Town Board and not by variance from the Zoning Board of Appeals.

6) Setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter.

7) Buildings shall be located close to existing and proposed street lines with parking oriented to the sides and rear of the principal structures. The architecture shall provide the appearance of 2-story structures along most of the façade facing a street. Two story facades facing the street are encouraged, where practicable. There should be a minimum of a two-story façade facing the street or in special circumstances a one-story building with the appearance of a two-story façade, when two actual stories are impractical.

8) Building Height. Single family dwellings shall be limited to 35 feet or 2.5 stories. Attached residential dwellings shall be limited to 50 feet or 3.5 stories. Multi-family dwellings shall be limited to 55 feet or 4 stories. Mixed commercial and residential buildings shall be limited to 65 feet or 4 stories provided that 2 stories within the building shall be residential only. Commercial use only buildings shall not exceed 65 feet or 5 stories.

9) Flat roofs shall be avoided, except where the size or type of the building requires a flat roof and façade variations and other architectural features can disguise the flatness of the roof as viewed from street level. Pitched roofs shall be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entry way or tower element to break the horizontal façade.

10) All roof-mounted equipment shall be screened from street level utilizing screens of a height equal to the height of the unit.

11) Shared parking facilities are encouraged. The Planning Board shall ensure that appropriate cross easements for use and ingress and egress to shared parking facilities are filed with the county clerk as part of development plan approval. Where appropriate the Planning Board may allow on-street parking provided the street width is adequate to safely accommodate on-street parking. Service alleys should access practicable, off-street parking spaces for residential uses. Shared parking can reduce cumulative parking requirements for the mixed-use district if it is demonstrated that peak requirements of various uses are complementary and occur at different times. For the purpose of enhancing design flexibility, including the enhancement of the visual appearance, and for the purpose of reducing the amount of lot area devoted to surface parking, the creation of structured parking in parking garages is permitted, and such parking garages shall not be required to satisfy rear, side yard or parking aisle width requirements contained in this District, provided there is an attempt to locate them in locations where a majority of the garage is shielded from Route 9.

12) Ingress and egress. Locations for ingress and egress to a lot shall be approved by the Planning Board and shall be so arranged as to (i) as a first priority, connect to existing through roads that connect to existing state, county or Town highways, or to a proposed Town highway that has been approved by the Town Board or (ii) if (i) above is not available, directly to existing state, county or Town highways, or to a proposed Town

highway that has been approved by the Town Board. Vehicular and pedestrian access between adjacent lots shall be incorporated into the site design, unless determined to be impracticable due to topographic constraints, non-compatible uses, or other site constraints.

13) Open Space. Recreation and leisure space shall be provided through a combination of common and private open space and shall not be less than ten (10%) percent of a total project or application area. Open space may include squares, mini-parks, athletic fields, commons, promenades or pedestrian plazas with amenities such as benches, landscaping and natural walking trails and may include hardscaping amenities and structures which are intended for the use of the general public, such as lighting, special paving, pavers, artwork, and structures such as a skating rink, gazebo, pergola, amphitheater, or band stand for the general public use. In order to serve as a focal point, an open space feature should be visible and easily recognizable as an area that encourages outdoor assembly. Sidewalk hardscaping adjacent to residential dwellings and commercial uses and small parking lot islands are not considered open space.

14) Shrubbery shall be no higher than four feet above existing street grades, nor shall any tree with foliage extend below 10 feet above the established street grades. All landscaping (trees, shrubs, planted beds) shall be maintained within 20 feet of any street intersection or 10 feet of driveway/street intersections. This restriction is for purposes of maintaining visibility at all times.

15) Sidewalks shall be provided along any public street and shall, where practicable, link with existing and future potential sidewalks and pedestrian pathways. The sidewalks shall be separated from the street by a tree lawn at least 5 feet wide, and further buffer pedestrians from vehicular traffic with on-street parking where possible. Alternatively, the Planning may approve the use of tree wells within the sidewalk. In approving sidewalks the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.

16) New or in-fill construction shall be designed so as to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape.

17) The incorporation of small, landscaped, front yards is encouraged with any new residential or commercial use (if building is not built to the sidewalk edge).

18) The construction of any blank, windowless facade facing a corridor that provides frontage for the lot on which the building is located is prohibited. All facades that face a street, parking lot or public area shall have windows.

19) The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements shall result in an overall design that complements the existing character of the streetscape.

20) Any large building façade and the sides visible from the transportation corridor shall incorporate changes in plane and architectural features that give the appearance of several common-wall buildings.

21) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

22) The number of off-street parking spaces provided should be the minimum necessary to adequately serve the intended use.

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23) Where practicable, service alleys for deliveries and utility access should be established along rear property lines.

24) Roadway design shall incorporate traffic calming components such as narrower lane widths, on-street parking and side walk bump-outs at intersections to aid pedestrian access and safety while reducing the existing unsafe vehicular speeds.

25) Drive-thru facilities shall provide only accessory access, and not the primary access to buildings. Such accessory drive-thru access shall be on the rear or sides of a building and placed and screened so as to minimize paving and minimize views of the lines of autos from public gathering places within the project. Landscaping shall be used to reduce the visibility of such facilities.

26) On street parking is prohibited on Route 9.

27) Off-street parking lots and loading areas, accessory use structures or storage other than sheds shall be screened from walkways and streets utilizing appropriate vegetation and/or fencing.

28) Residential rear access lanes should be used for access to garages and parking lots behind buildings.

29) Promote the preservation of open space by clustering of dwelling units and concentrating mixed developments within a "new urban" or "Traditional Neighborhood Design" design plan.

30) Promote the preservation of open space and elimination of strip-retail by clustering retail and commercial uses using zero lot lines along a streetscape with limited on-street parking and locating parking lots to the rear and sides of the buildings within a "town center" or "lifestyle center" design plan.

E) Special rules for the CHCO Extended Overlay District. The areas depicted on the Zoning Map as the CHCO Extended Overlay District consist of land zoned for residential use. These properties are located outside of the CHCO District but they create a vital link between the CHCO district core and the existing high density residential neighborhood to the west of the CHCO center. A re-development of the CHCO District should, where possible, incorporate the CHCO Extended Overlay properties into the re-development as a Traditional Neighborhood Design to allow a transition from the commercial center of the CHCO District near Route 9 to mixed use commercial/residential and residential-only uses extending westerly from the CHCO center. This opportunity already exists on the east side of Route 9 since the CHCO District includes part of a R-2A district, and providing for a residential transitional area on the west side of Route 9 would allow integration of the existing residential areas with the CHCO District development.

1) Notwithstanding any other provision of this Chapter, the properties located on the west side of U.S. Route 9 identified on the Zoning Map as "CHCO Extended Overlay Area" shall be subject to the following regulations:

a) The CHCO Extended Overlay District is a supplement to the underlying zoning district(s). Nothing herein shall be construed to prevent the development of properties in the CHCO Extended Overlay District in accordance with the regulations for the underlying zoning district as set forth in this Chapter.

b) When incorporated into a development master plan for the CHCO District in the style of a Traditional Neighborhood Development property within the CHCO Extended Overlay District may be developed for residential or mixed use residential/non-residential use provided that the maximum residential density shall not exceed two (2) dwelling units per acre.

c) The additional dwelling units shall be located within the primary or the secondary development areas, or as close as practicable, so as to appear as a part of the CHCO

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District development. The Planning Board is expressly authorized to require the clustering of the CHCO Extended Overlay units and uses along the boundary of the CHCO District, and is specifically authorized to reduce the otherwise applicable yard setback and buffer setback distances to ensure that the units are placed in close proximity to the district boundary line so as to appear as an extension of the CHCO District.

§ 210-25. Fairview Center.

A) District Purpose. This district defines the established commercial areas on the east side of State Route 9 to the abandoned railroad spur line behind the existing retail mall, and north of Fulton Street to the southerly boundary of the former State Psychiatric Center facility. This area has potential for redevelopment as a pedestrian oriented commercial destination, and with the expected redevelopment of the Psychiatric Center property for high density residential and commercial use the redevelopment of the Fairview Center would be supported by, and provide a linkage to, the existing institutional, business and residential areas to the west, south and east. This district serves the following specific purposes:

1) Promote a mix of business and commercial uses in multi-story buildings.

2) Promote pedestrian activity through a safe and walkable environment and establish connections to existing adjacent residential neighborhoods.

3) Minimize the visual impact of the automobile by managing the placement and screening/landscaping of parking areas.

4) Create an interconnected street system for both pedestrian and vehicular traffic.

5) Encourage the development of both on-street parking and shared parking areas between nearby uses.

B) Permitted uses. Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Bank and financial services.

2) *Bakery, retail, wholesale.

3) *Business park, subject to §210-60.

4) *Boutiques with or without goods processed or assembled on site, subject to §210-57.

5) *Clinics.

6) *Delicatessen.

7) *Health club.

8) *Office.

9) *Personal service business, no drive-in or drive-thru.

10) *Retail business, no drive-in or drive-thru.

11) *Restaurants, no drive-in or drive-thru.

12) *Service business, no drive-in or drive-thru.

13) *Shopping center.

14) *Supermarket.

15) *Theater.

C) Special permitted uses. Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

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1) *Clinics.
2) *Day-care center, subject to §210-66.
3) *Hotel, motel, subject to §210-75.
4) *Inn, subject to §210-77.
5) *Motor vehicle accessory sales.
6) *Motor vehicle repair facility.
7) *Outdoor restaurant dining area.
8) *Personal service business, with drive-in or drive-thru.
9) *Retail business, with drive-in or drive-thru.
10) *Restaurants, with drive-in or drive-thru.
11) *Service business, with drive-in or drive-thru.

D) Accessory uses shall be as follows:

1) Accessory buildings and structures, subject to §210-48.
2) Temporary buildings for construction purposes, subject to §210-109.

E) The area and bulk regulations for the FC district shall be as follows:

Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard[a] (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
15,000	100	35	25	45	50%	80%	45 feet or 3 stories

1) On a lot no single retail use shall occupy ground floor space in excess of 65,000 gross square feet.
2) The continuous ground level frontage of a single commercial use building in excess of 100 feet in length along any frontage exposed to a street, public space or parking area and ground level commercial uses larger than 30,000 square feet shall be contained in a mixed-use structure or be architecturally designed to appear as a streetscape composed of a variety of buildings that helps to further prevent the visual dominance or appearance of a single, large commercial use.
3) Maximum retail use density. Within the FC District the total gross square footage of building space devoted to retail uses shall not exceed sixty-five (65%) percent of the total gross square footage of all commercial space. Within the FC District not less than thirty-five (35%) percent of the gross square footage of all commercial space shall be non-retail uses such as offices, restaurants, civic uses, etc. The Planning Board shall ensure that compliance with this provision is maintained by requiring the reduction or elimination of proposed retail space where the maximum gross square footage of retail space would exceed sixty (60%) percent. Nothing herein shall be construed to prevent the development of a greater amount of non-retail commercial space than the minimum of thirty-five (35%) percent..
4) Ingress and egress. Locations for ingress and egress to a lot shall be approved by the Planning Board and shall be so arranged as to connect with existing state, county or Town highways, or to a proposed Town highway that has been approved by the Town Board.
5) Unless approved by the Planning Board, parking shall be located to the side or to the

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read of principal structures.

6) A landscaped setback of not less than 25 feet in depth shall be provided along the front yard, side yard, and rear yard of any lot, except where the non-residential development abuts a property in residential use in which case the setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter. Roads, pathways, and sidewalks providing access through the buffer are permitted. The setback area shall be permanently preserved by recorded deed instrument in a form approved by the Town Attorney, and which shall provide for Town enforcement of said restriction

F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the FC District. The Planning Board shall use its discretion as to the applicability of these guidelines to an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.

1) The Planning Board is empowered to require a mix of business and commercial uses in any development project. Further, the Planning Board is empowered to require that a development be phased to ensure the required mix of uses is implemented.

2) Two-and three story buildings designed to accommodate retail, office and service business uses are required for the entire FC District. Buildings shall be located close to existing and proposed street lines with parking oriented to the rear of the principal structures.

3) New or in-fill construction shall be designed so as to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape.

4) Shared parking facilities are encouraged. The Planning Board shall ensure that appropriate cross easements for use and ingress and egress to shared parking facilities are filed with the county clerk as part of development plan approval. Where appropriate the Planning Board may allow on-street parking provided the street width is adequate to safely accommodate on-street parking.

5) Shrubbery shall be no higher than four feet above existing street grades, nor shall any tree with foliage extend below 10 feet above the established street grades. All landscaping (trees, shrubs, planted beds) shall be maintained within 20 feet of any street intersection or 10 feet of driveway/street intersections. This restriction is for purposes of maintaining visibility at all times.

6) New or in-fill construction should be designed so as to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape.

7) The development of public parks, commons, or small pedestrian plazas with amenities such as benches and landscaping is encouraged.

8) The construction of any blank, windowless facade facing a corridor that provides frontage for the lot on which the building is located is prohibited. All facades that face a street, parking lot or public area shall have windows.

9) The utilization of ribbon or continuous strip glazing in any building facade is prohibited.

10) Flat roofs shall be avoided, except where the size or type of the building requires a flat roof and façade variations and other architectural features can disguise the flatness of the roof. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e.,

entry way or tower element to break the horizontal façade.

11) Any large building façade and the sides visible from the transportation corridor should incorporate changes in plane and architectural features that give the appearance of several common-wall buildings.

12) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

13) The number of off-street parking spaces provided should be the minimum necessary to adequately serve the intended use.

14) Where practicable, service alleys for deliveries and utility access should be established along rear property lines.

15) Drive-in and drive-thru facilities shall be located rear of buildings and landscaping shall be used to reduce the visibility of such facilities.

16) On street parking is prohibited on Route 9. Cross-easements should be used to provide shared access to parking and driveways whenever possible.

17) Off-street parking lots and loading areas, accessory use structures or storage other than sheds should be screened from walkways and streets utilizing appropriate vegetation and/or fencing.

§ 210-26. Salt Point Center.

A) District Purpose. This district defines the emerging mixed use center along Salt Point Turnpike at the intersection of Bedell Road. In addition, these districts serve the following specific purposes:

1) Promote a mix of business, commercial, and residential uses designed as an integrated community.

2) Promote pedestrian activity through a safe and walkable environment, encourage a park once and walk around core and establish connections to adjacent residential neighborhoods.

3) Minimize the visual impact of the automobile by managing the placement and screening/landscaping of parking areas.

4) Create an interconnected street system for both pedestrian and vehicular traffic.

5) Encourage the development of both on-street parking and shared parking areas between nearby uses.

6) Promote a sufficient critical mass of employees, shoppers and residents within close proximity to a commercial and mixed-use core which encourages people to park once and walk because walking becomes more convenient than driving for short trips within the core.

7) Promote a retail shopping and business environment that is not strip-retail oriented, where shoppers park once and walk between adjoining commercial uses where the buildings are primarily connected to each other or use zero lot lines.

8) Provide public gathering spaces such as central greens and centerpiece buildings.

9) Provide for a variety of housing options within walkable proximity to the commercial core including single-family, two-family homes, and multi-family units.

10) Preserve, enhance and incorporate natural and historic features in order to enhance a sense of place, greenway connections and natural edge conditions.

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B) Permitted uses. Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Adaptive reuse of existing residential structure for non-residential use.
2) *Bank and financial services.
3) *Bakery.
4) *Boutiques with or without goods processed or assembled on site, subject to §210-57.
5) *Clinics.
6) *Delicatessen.
7) *Dwelling, single family.
8) *Dwelling, two-family.
9) *Health club.
10) *Library, community center.
11) *Laundry, dry cleaner.
12) *Office.
13) *Personal service business, no drive-in or drive-thru.
14) *Retail business, no drive-in or drive-thru.
15) *Restaurants, no drive-in or drive-thru.
16) *Service business, no drive-in or drive-thru.
17) *Supermarket.
18) *Theater.
19) *Veterinarian, no kennel, no crematorium.

C) Special permitted uses. Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Bed-and-breakfast, subject to §210-55.
2) *Commercial recreation, indoor only.
3) *Day-care center, subject to §210-66.
4) *Home occupations, subject to §210-74.
5) *Inn, subject to §210-77.
6) *Multi-family dwellings, and mixed residential and non-residential uses within multi-story structures as part of a unified development on a single lot.
7) *Nursery school, subject to §210-66.
8) *Outdoor restaurant dining area.

D) Accessory uses shall be as follows:

1) *Accessory buildings and structures, subject to §210-48.
2) *Clubhouse as part of a common use area for a residential project.
3) *Swimming pool (private), subject to §210-107.
4) *Temporary buildings for construction purposes, subject to §210-109.

E) The area and bulk regulations for a detached single family dwelling unit in the SPC District

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shall be as follows:

Minimum Lot Area (sq. ft.)	Minimum Frontage (ft.)	Minimum Front Yard (ft.)	Minimum Side and Rear Yard (ft.)	Usable Open Space Set-Aside (sq. ft.) [a]	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (ft.)
4,000	40	15	6 feet side 20 feet rear	1,000 per unit	45%	85%	28 feet or 2 stories

[a] Shall be reserved outside of building lot area as usable open space for the development of public parks, commons, or small pedestrian plazas with amenities such as benches, landscaping and natural walking trails.

F) The area and bulk regulations for attached residential units in the SPC District shall be as follows:

Minimum Lot Area (acres)	Minimum Frontage (ft.)	Minimum Front Yard (ft.)	Minimum Side and Rear Yard (ft.)	Usable Open Space Set-Aside (sq. ft.) [a]	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (ft.)
8	70v	25	15	1,000 per unit	70%	80%	35 feet or 2 stories

[a] Shall be reserved outside of building lot area as usable open space for the development of public parks, commons, or small pedestrian plazas with amenities such as benches, landscaping and natural walking trails.

G) The area and bulk regulations for non-residential or mixed residential/non-residential use structures as attached units in the SPC District shall be as follows:

Minimum Lot Area (sq. ft.)	Minimum Frontage (ft.)	Minimum Front Yard (ft.)	Minimum Side and Rear Yard (ft.)	Usable Open Space Set-Aside (sq. ft.) [a]	Maximum Lot Coverage (%)	Maximum Impervious Surface [b] (%)	Maximum Height (ft.)
1,600	22	10	0	500 per 1,600 sq. ft. of lot area	95%	100%	45 feet or 3 stories

[a] Must be reserved outside of building lot area as usable open space for the development of public parks, commons, or small pedestrian plazas with amenities such as benches, landscaping and natural walking trails.

[b] Lot coverage % vs. impervious coverage % is designed to encourage parking within attached residential structures to minimize grade (ground) parking.

H) The area and bulk regulations for non-residential or mixed residential/non-residential use structures as detached units in the SPC District shall be as follows:

Minimum Lot Area (sq. ft.)	Minimum Frontage (ft.)	Minimum Front Yard (ft.)	Minimum Side and Rear Yard (ft.)	Usable Open Space Set-Aside (sq. ft.) [a]	Maximum Lot Coverage (%)	Maximum Impervious Surface (%) [b]	Maximum Height (ft.)
5,000	30	10	10 ft. side 25 ft. rear	500 per 5,000 sq. ft. of lot area	65%	80%	45 feet or 3 stories

[a] Shall be reserved outside of building lot area as usable open space for the development of public parks, commons, or small pedestrian plazas with amenities such as benches, landscaping and natural walking trails.

[b] Lot coverage percentage vs. impervious coverage percentage is designed to encourage parking within attached residential structures to minimize grade (ground) parking.

1) On a lot no single retail use shall occupy ground floor space in excess of 12,000 gross square feet.

2) The continuous ground level frontage of a single commercial use building in excess of 60 feet in length on any frontage exposed to a street, public space or parking area and ground level commercial uses larger than 6,000 square feet shall be contained in a mixed-use structure or be architecturally designed to appear as a streetscape composed of a variety of buildings that helps to further prevent the visual dominance or

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appearance of a single, large commercial use.

3) Maximum residential dwelling unit density. Within the SPC District residential density shall not exceed six (6) dwelling units per acre. Notwithstanding, residential dwelling units located immediately above a ground floor or second floor non-residential use shall not be counted against the maximum residential dwelling unit density provided the building meets applicable coverage and open space requirements, sufficient parking for the residential uses is provided, and open space is set aside for the dwelling units as provided herein.

4) Maximum retail use density. Within the SPC District the total gross square footage of building space devoted to retail uses shall not exceed sixty-five (65%) of the total gross square footage of all commercial space. Within the SPC District not less than thirty-five (35%) percent of the gross square footage of all commercial space shall be non-retail uses such as offices, restaurants, civic uses, etc. The Planning Board shall ensure that compliance with this provision is maintained by requiring the reduction or elimination of proposed retail space where the maximum gross square footage of retail space would exceed sixty (60%) percent. Nothing herein shall be construed to prevent the development of a greater amount of non-retail commercial space than the minimum of thirty-five (35%) percent.

5) The development of mixed residential and non-residential uses is required for each application. The Planning Board shall reject any application that does not include non-residential uses providing services to center district and community residents. For any application no less than twenty (20%) percent of the total gross square footage of all structures shall be reserved for non-residential business and institutional uses. The Zoning Board of Appeals shall have no authority to grant a variance from this requirement.

6) Ingress and egress. Locations for ingress and egress to a lot shall be approved by the Planning Board and shall be so arranged as to connect with existing state, county or Town highways, or to a proposed Town highway that has been approved by the Town Board.

7) Unless approved by the Planning Board, parking shall be located to the side or to the read of principal structures.

I) Design standards: The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the SPC District. The Planning Board shall use its discretion as to the applicability of these guidelines an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.

1) The use of Traditional Neighborhood Development design is required. A mix of commercial uses and/or residential and commercial uses in all development projects is required. The Planning Board shall require that a development be phased to ensure the required mix of uses is implemented.

2) Larger-scale, single-use facilities (conference spaces, theaters, supermarkets or department stores, for example) shall occur behind smaller-scale buildings or storefronts with pedestrian orientation and may be one story with a two-story facade.

3) New or in-fill construction should be designed so as to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape.

4) Shared parking facilities are encouraged. The Planning Board shall ensure that appropriate cross easements for use and ingress and egress to shared parking facilities are filed with the county clerk as part of development plan approval. Where appropriate

the Planning Board may allow on-street parking provided the street width is adequate to safely accommodate on-street parking. Service alleys should access practicable, off-street parking spaces for residential uses.

5) The incorporation of small, landscaped, front yards is encouraged with any new residential or commercial use (if building is not built to the sidewalk edge).

6) The development of public parks, commons, or small pedestrian plazas with amenities such as benches and landscaping is encouraged.

7) Where practicable, existing tree rows and hedgerows, stonewalls, and similar features should be retained in the development of any new use or the expansion of any existing use.

8) Setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter.

9) The construction of any blank, windowless facade facing a corridor that provides frontage for the lot on which the building is located is prohibited. All facades that face a street, parking lot or public area shall have windows.

10) The utilization of ribbon or continuous strip glazing in any building facade should be avoided.

11) Flat roofs shall be avoided, except where the size or type of the building requires a flat roof and façade variations and other architectural features can disguise the flatness of the roof. Pitched roofs shall be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entry way or tower element to break the horizontal façade.

12) Any large building façade and the sides visible from the transportation corridor should incorporate changes in plane and architectural features that give the appearance of several common-wall buildings.

13) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

14) Sidewalks shall be provided along any public street and shall, where practicable, link with existing and future potential sidewalks and pedestrian pathways. The sidewalks shall be separated from the street by a tree lawn at least 4 feet wide. In approving sidewalks the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.

15) The number of off-street parking spaces provided should be the minimum necessary to adequately serve the intended use.

16) Where practicable, service alleys for deliveries and utility access should be established along rear property lines.

17) Drive-thru facilities should be located at the side or rear of buildings and landscaping should be used to reduce the visibility of such facilities.

18) Pedestrian safety and internal vehicular circulation must be considered in the design of any drive-thru facilities.

19) Cross-easements should be used to provide shared access to parking and driveways whenever possible.

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20) Off-street parking lots and loading areas, accessory use structures or storage other than sheds should be screened from walkways and streets utilizing appropriate vegetation and/or fencing.

§ 210-27. Macdonnell Heights Center (MHC) District.

A) District Purpose. This district defines the emerging mixed use center along State Route 44 at and across from the former Frank Brothers Farm property. In addition, these districts serve the following specific purposes:

1) Promote a mix of business, commercial, and residential uses in single-story and multi-story buildings designed as an integrated community spanning both sides of Route 44.

2) Promote pedestrian activity through a safe and walkable environment, encourage a park once and walk around core and establish connections to adjacent residential neighborhoods.

3) Minimize the visual impact of the automobile by managing the placement and screening/landscaping of parking areas.

4) Create an interconnected street system for both pedestrian and vehicular traffic.

5) Encourage the development of both on-street parking and shared parking areas between nearby uses.

6) Promote a sufficient critical mass of employees, shoppers and residents within in close proximity to a commercial and mixed-use core which encourages people to park once and walk because walking becomes more convenient than driving for short trips within the core.

7) Promote a retail shopping and business environment that is not strip-retail oriented, where shoppers park once and walk between adjoining commercial uses where the buildings are primarily connected to each other or use zero lot lines.

8) Provide public gathering spaces such as central greens and centerpiece buildings.

9) Provide for a variety of housing options within walkable proximity to the commercial core including single-family, two-family homes, and multi-family units.

10) Preserve, enhance and incorporate natural and historic features in order to enhance a sense of place, greenway connections and natural edge conditions.

B) Permitted uses. Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Adaptive reuse of existing residential structure for non-residential use.

2) *Bank and financial services.

3) *Bakery.

4) *Bar, provided that food sales account for not less than 25% of gross sales and hours of operation shall be limited to 11:00 am to 11:00 pm.

5) *Boutiques with or without goods processed or assembled on site, subject to §210-57.

6) *Business park, subject to §210-60.

7) *Clinics.

8) *Delicatessen.

9) *Dwelling, single family.

10) *Dwelling, two-family.

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11) *Health club.

12) *Inn, subject to §210-77.

13) *Library, community center.

14) *Laundry, dry cleaner.

15) *Office.

16) *Personal service business, no drive-in or drive-thru.

17) *Retail business, no drive-in or drive-thru.

18) *Restaurants, no drive-in or drive-thru.

19) *Service business, no drive-in or drive-thru.

20) *Supermarket.

21) *Theater.

22) *Veterinarian, no kennel, no crematorium.

C) Special permitted uses. Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Bed-and-breakfast, subject to §210-55.

2) *Commercial garage.

3) *Commercial recreation, indoor only.

4) *Day-care center, subject to §210-66.

5) *Home occupations, subject to §210-74.

6) *Motor vehicle accessory sales.

7) *Multi-family dwellings, and mixed residential and non-residential uses within multi-story structures as part of a unified development on a single lot.

8) *Nursery school, subject to §210-66.

9) *Outdoor restaurant dining area.

D) Accessory uses shall be as follows:

1) *Accessory buildings and structures, subject to §210-48.

2) *Clubhouse as part of a common use area for a residential project.

3) *Swimming pool (private), subject to §210-107.

4) *Temporary buildings for construction purposes, subject to §210-109.

E) The area and bulk regulations for a detached single family unit in the MHC District shall be as follows:

Minimum Lot Area (sq. ft.)	Minimum Frontage (ft.)	Minimum Front Yard (ft.)	Minimum Side and Rear Yard (ft.)	Usable Open Space Set-Aside (sq. ft.)[a]	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (ft.)
4,000	40	15	6 feet side 20 feet rear	1,000 per unit	45%	68%	28 feet or 2 stories

[a] Shall be reserved outside of building lot area as usable open space for the development of public parks, commons, or small pedestrian plazas with amenities such as benches, landscaping and natural walking trails.

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F) The area and bulk regulations for attached residential units in the MHC District shall be as follows:

Minimum Lot Area (acres)	Minimum Frontage (ft.)	Minimum Front Yard (ft.)	Minimum Side and Rear Yard (ft.)	Usable Open Space Set-Aside (sq. ft.) [a]	Maximum Lot Coverage (%)	Maximum Impervious Surface [b] (%)	Maximum Height (ft.)
8	70	25	15	1,000 per unit	70%	80%	50 feet or 3-1/2 stories

[a] Shall be reserved outside of building lot area as usable open space for the development of public parks, commons, or small pedestrian plazas with amenities such as benches, landscaping and natural walking trails.

G) The area and bulk regulations for non-residential or mixed residential/non-residential use structures as attached units in the MHC District shall be as follows:

Minimum Lot Area (sq. ft.)	Minimum Frontage (ft.)	Minimum Front Yard (ft.)	Minimum Side and Rear Yard (ft.)	Usable Open Space Set-Aside (sq. ft.) [a]	Maximum Lot Coverage (%)	Maximum Impervious Surface [b] (%)	Maximum Height (ft.)
1,600	22	10	0	500 per 1,600 sq. ft. of lot area	95%	100%	50 feet or 4 stories

[a] Shall be reserved outside of building lot area as usable open space for the development of public parks, commons, or small pedestrian plazas with amenities such as benches, landscaping and natural walking trails.

[b] Lot coverage % vs. impervious coverage % is designed to encourage parking within attached residential structures to minimize grade (ground) parking.

H) The area and bulk regulations for non-residential or mixed residential/non-residential use structures as detached units in the MHC District shall be as follows:

Minimum Lot Area (sq. ft.)	Minimum Frontage (ft.)	Minimum Front Yard (ft.)	Minimum Side and Rear Yard (ft.)	Usable Open Space Set-Aside (sq. ft.) [a]	Maximum Lot Coverage (%)	Maximum Impervious Surface (%) [b]	Maximum Height (ft.)
5,000	30	10	10 feet side 25 feet rear	500 per 5,000 sq. ft. of lot area	65%	80%	50 feet or 3-1/2 stories

[a] Shall be reserved outside of building lot area as usable open space for the development of public parks, commons, or small pedestrian plazas with amenities such as benches, landscaping and natural walking trails.

[b] Lot coverage percentage vs. impervious coverage percentage is designed to encourage parking within attached residential structures to minimize grade (ground) parking.

1) On a lot no single retail use shall occupy ground floor space in excess of 35,000 square feet.

2) The continuous ground level frontage of a single commercial use building in excess of 60 feet in length along any frontage exposed to a street, public space or parking area and ground level commercial uses larger than 15,000 square feet shall be contained in a mixed-use structure or be architecturally designed to appear as a streetscape composed of a variety of small buildings that helps to further prevent the visual dominance or appearance of a single, large commercial use.

3) Maximum residential dwelling unit density. Within the MHC District residential density shall not exceed six (6) dwelling units per acre. Notwithstanding, residential dwelling units located immediately above a ground floor or second floor non-residential use shall not be counted against the maximum residential dwelling unit density provided the building meets applicable coverage and open space requirements, sufficient parking for the residential uses is provided, and open space is set aside for the dwelling units as provided herein.

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4) Maximum retail use density. Within the MHC District the total gross square footage of building space devoted to retail uses shall not exceed seventy-five (75%) of the total gross square footage of all commercial space. Within the MHC District not less than twenty-five (25%) percent of the gross square footage of all commercial space shall be non-retail uses such as offices, restaurants, civic uses, etc. The Planning Board shall ensure that compliance with this provision is maintained by requiring the reduction or elimination of proposed retail space where the maximum gross square footage of retail space would exceed seventy-five (75%) percent. Nothing herein shall be construed to prevent the development of a greater amount of non-retail commercial space than the minimum of twenty-five (25%) percent.

5) The development of mixed residential and non-residential uses is required for each application. The Planning Board shall reject any application that does not include non-residential uses providing services to center district and community residents. For any application no less than twenty (20%) percent of the total gross square footage of all structures shall be reserved for non-residential business and institutional uses. The Zoning Board of Appeals shall have no authority to grant a variance from this requirement.

6) Location of open space. The open space set-aside is intended to be located in one or more designated areas for the use of MHC residents and/or the general public, the intention being that the open space that is set-aside be aggregated as a large parcel(s) and not be disbursed into small, less usable spaces.

7) Ingress and egress. Locations for ingress and egress to a lot shall be approved by the Planning Board and shall be so arranged as to connect with existing state, county or Town highways, or to a proposed Town highway that has been approved by the Town Board.

8) Unless approved by the Planning Board, parking shall be located to the side or to the read of principal structures.

I) Design standards: The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the MHC District. The Planning Board shall use its discretion as to the applicability of these guidelines an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.

1) The use of Traditional Neighborhood Development design is required. A mix of commercial uses and/or residential and commercial uses in all development projects is required. Further, the Planning Board shall require that a development be phased to ensure the required mix of uses is implemented.

2) New or in-fill construction should be designed so as to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape.

3) Shared parking facilities are encouraged. The Planning Board shall ensure that appropriate cross easements for use and ingress and egress to shared parking facilities are filed with the county clerk as part of development plan approval. Where appropriate the Planning Board may allow on-street parking provided the street width is adequate to safely accommodate on-street parking. Service alleys should access practicable, off-street parking spaces for residential uses.

4) The incorporation of small, landscaped, front yards is encouraged with any new residential or commercial use (if building is not built to the sidewalk edge).

5) The development of public parks, commons, or small pedestrian plazas with amenities such as benches and landscaping is encouraged.

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6) Where practicable, existing tree rows and hedgerows, stonewalls, and similar features should be retained in the development of any new use or the expansion of any existing use.

7) Setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter.

8) The construction of any blank, windowless facade facing a corridor that provides frontage for the lot on which the building is located is prohibited. All facades that face a street, parking lot or public area shall have windows.

9) The utilization of ribbon or continuous strip glazing in any building facade should be avoided.

10) Flat roofs shall be avoided, except where the size or type of the building requires a flat roof and façade variations and other architectural features can disguise the flatness of the roof. Pitched roofs shall be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entry way or tower element to break the horizontal façade.

11) Any large building façade and the sides visible from the transportation corridor should incorporate changes in plane and architectural features that give the appearance of several common-wall buildings.

12) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

13) Sidewalks of not less than five (5) feet in width shall be provided along any street and shall, where practicable, link with existing and future potential sidewalks and pedestrian pathways. The sidewalks shall be separated from the street by a tree lawn at least five (5) feet wide. In approving sidewalks the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.

14) The number of off-street parking spaces provided should be the minimum necessary to adequately serve the intended use.

15) Where practicable, service alleys for deliveries and utility access should be established along rear property lines.

16) Drive-thru facilities should be located at the side or rear of buildings and landscaping should be used to reduce the visibility of such facilities.

17) Pedestrian safety and internal vehicular circulation must be considered in the design of any drive-thru facilities.

18) Cross-easements should be used to provide shared access to parking and driveways whenever possible.

19) Off-street parking lots and loading areas, accessory use structures or storage other than sheds should be screened from walkways and streets utilizing appropriate vegetation and/or fencing.

§ 210-28. Rochdale Road Hamlet (RRH) District.

A) District Purpose. This district defines the emerging mixed use center at the former Herman's Nursery and Roe Movers properties on Route 44 near the Town of Pleasant Valley boundary.

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In addition, this district serves the following specific purposes:

1) Promote a mix of business and commercial uses within a planned community environment.

2) Promote pedestrian activity through a safe and walkable environment and establish connections to existing adjacent residential neighborhoods.

3) Minimize the visual impact of the automobile by managing the placement and screening/landscaping of parking areas.

4) Create an interconnected street system for both pedestrian and vehicular traffic.

B) Permitted uses. Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Adaptive reuse of existing residential structure for non-residential use.

2) *Bank and financial services.

3) *Bakery.

4) *Boutiques with or without goods processed or assembled on site, subject to §210-57.

5) *Clinics.

6) *Delicatessen.

7) *Health club.

8) *Office.

9) *Personal service business, no drive-in or drive-thru.

10) *Retail business, no drive-in or drive-thru.

11) *Restaurants, no drive-in or drive-thru.

12) *Service business, no drive-in or drive-thru.

13) *Supermarket.

14) *Theater.

C) Special permitted uses. Standalone and combined residential and neighborhood scale non-residential uses are allowed subject to special use permit approval by the Zoning Board of Appeals. Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Day-care center, subject to §210-66.

2) *Dwelling, multi-family.

3) *Inn, subject to §210-77.

4) *Motor vehicle service facility, no car wash, subject to §210-90.

5) *Mixed residential and non-residential uses within multi-story structures as part of a unified development.

6) *Outdoor restaurant dining area.

D) Accessory uses shall be as follows:

1) *Accessory buildings and structures, subject to §210-48.

2) *Swimming pool (private), subject to §210-107.

3) Temporary buildings for construction purposes, subject to §210-109.

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E) The area and bulk regulations for the RRH district shall be as follows:

Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
1	60	25	15	35	40%	80%	45 feet or 3 stories

1) On a lot no single retail use shall occupy ground floor space in excess of 9,500 square feet.

2) Ingress and egress. Locations for ingress and egress to a lot shall be approved by the Planning Board and shall be so arranged as to connect with existing state, county or Town highways, or to a proposed Town highway that has been approved by the Town Board.

3) Unless approved by the Planning Board, parking shall be located to the side or to the read of principal structures.

4) Maximum residential dwelling unit density. Within the RRH District residential density shall not exceed four (4) dwelling units per acre.

5) The continuous ground level frontage of a single commercial use building in excess of 60 feet in length along any frontage exposed to a street, public space or parking area and ground level commercial uses larger than 4,000 square feet shall be contained in a mixed-use structure or be architecturally designed to appear as a streetscape composed of a variety of small buildings that helps to further prevent the visual dominance or appearance of a single, large commercial use.

6) The development of mixed residential and non-residential uses is required for each application. The Planning Board shall reject any application that does not include non-residential uses providing services to center district and community residents. For any application no less than twenty (20%) percent of the total gross square footage of all structures shall be reserved for non-residential business and institutional uses. The Zoning Board of Appeals shall have no authority to grant a variance from this requirement.

F) Design standards: The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the RRH District. The Planning Board shall use its discretion as to the applicability of these guidelines an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.

1) Larger-scale, single-use facilities (conference spaces, theaters, supermarkets or department stores, for example) shall occur behind smaller-scale buildings or storefronts with pedestrian orientation and may be one story with a two-story facade.

2) New or in-fill construction should be designed so as to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape.

3) Shared parking facilities are encouraged. The Planning Board shall ensure that appropriate cross easements for use and ingress and egress to shared parking facilities are filed with the county clerk as part of development plan approval. Where appropriate the Planning Board may allow on-street parking provided the street width is adequate to safely accommodate on-street parking.

4) The incorporation of small, landscaped, front yards is encouraged with any new residential or commercial use (if building is not built to the sidewalk edge).

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5) The development of public parks, commons, or small pedestrian plazas with amenities such as benches and landscaping is encouraged.

6) Where practicable, existing tree rows and hedgerows, stonewalls, and similar features should be retained in the development of any new use or the expansion of any existing use.

7) Setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter.

8) The construction of any blank, windowless facade facing a corridor that provides frontage for the lot on which the building is located is prohibited. All facades that face a street, parking lot or public area shall have windows.

9) The utilization of ribbon or continuous strip glazing in any building facade should be avoided.

10) Flat roofs shall be avoided, except where the size or type of the building requires a flat roof and façade variations and other architectural features can disguise the flatness of the roof. Pitched roofs shall be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entry way or tower element to break the horizontal façade.

11) Any large building façade and the sides visible from the transportation corridor should incorporate changes in plane and architectural features that give the appearance of several common-wall buildings.

12) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

13) Sidewalks shall be provided along any public street and shall, where practicable, link with existing and future potential sidewalks and pedestrian pathways. The sidewalks shall be separated from the street by a tree lawn at least 4 feet wide. In approving sidewalks the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.

14) The number of off-street parking spaces provided should be the minimum necessary to adequately serve the intended use.

15) Where practicable, service alleys for deliveries and utility access should be established along rear property lines.

16) Drive-in and drive-thru facilities shall be located at the side or rear of buildings and landscaping shall be used to minimize the visibility of such facilities.

17) Pedestrian safety and internal vehicular circulation must be considered in the design of any drive-thru facilities.

18) Off-street parking lots and loading areas, accessory use structures or storage other than sheds shall be screened from walkways and streets utilizing appropriate vegetation and/or fencing.

§ 210-29. Red Oaks Mill Neighborhood Services Center (ROMNSC) District.

A) District Purpose. This district defines the commercial hamlet center at Red Oaks Mills. The uses within this district are intended to provide convenient shopping facilities of sufficient

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variety to supply daily requirements of adjacent residential areas. The size of any facility should be kept to a minimum to provide the service.

B) Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Animal hospitals.
2) *Bakery, no drive-in or drive-thru.
3) *Bank or financial services.
4) *Delicatessen, no drive-in or drive-thru.
5) *Health club.
6) *Laundry, laundromat.
7) *Libraries.
8) *Office.
9) *Personal service business.
10) *Places of religious worship, subject to §210-94.
11) *Post Office.
12) *Public utility structure, subject to §210-96.
13) *Recreation, indoor, private, not specifically mentioned.
14) Recreation, outdoor, located in a flood plain area and not involving any new construction or site work such as grading or removal of vegetation.
15) *Restaurant, no drive-in or drive-thru.
16) *Retail business.
17) *Service business.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Bar, tavern, subject to §210-54.
2) *Day-care center, subject to §210-66.
3) *Funeral home, subject to §210-71.
4) *Motor vehicle accessory sales, subject to §210-89.
5) *Motor vehicle service facility, subject to §210-90.
6) **Nursery school, subject to §210-66.
7) *School-age child-care facility, subject to §210-66.

D) Accessory uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Accessory buildings and structures, subject to §210-48.
2) Temporary buildings for construction purposes, subject to §210-109.

E) The area and bulk regulations for the ROMNSC district shall be as follows:

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Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
20,000	N/A	25[a]	25	35	30%	80%	1 story or 30 feet

1) Multiple story buildings are prohibited.

2) On a lot no single retail use shall occupy ground floor space in excess of 20,000 square feet.

F) Design standards: The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the ROMNSC District:

1) Sidewalks at the building(s) shall be required.

2) Shared parking facilities are encouraged. The Planning Board shall ensure that appropriate cross easements for use and ingress and egress to shared parking facilities are filed with the county clerk as part of development plan approval.

3) Screening and landscaping. A hedge, fence or wall of a design and material subject to approval by the Planning Board, with a height of not less than six and, except in the case of planting screens, not more than eight feet, adequate to screen at all seasons of the year the operations conducted on the lot from the view of any abutting residence district shall be installed along any residence district boundary.

4) Flat roofs shall be avoided, except where the size or type of the building requires a flat roof and façade variations and other architectural features can disguise the flatness of the roof. Pitched roofs shall be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entry way or tower element to break the horizontal façade.

5) For the redevelopment of a parcel, a landscaped buffer area of not less than 15 feet in depth shall be provided along the side yard and rear yard of any lot. In addition, a landscaped buffer area of not less than 10 feet in depth shall be provided along the front yard of any lot.

6) Utilities shall be placed underground.

7) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed, or in the case of freestanding signs associated with.

8) Trash and storage containers shall meet the requirements of §210-112. Enclosures shall be constructed of masonry walls with a steel gate and shall be compatible with the color of the walls of the building to which it is associated.

9) New or in-fill construction should be designed so as to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape.

10) The development of public parks, commons, or small pedestrian plazas with amenities such as benches and landscaping is encouraged.

11) Where practicable, existing tree rows and hedgerows, stonewalls, and similar features should be retained in the development of any new use or the expansion of any existing use.

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12) Setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter.

13) Additions to existing buildings shall use materials and details complimentary with those incorporated in the parent structure.

14) New buildings, or additions to existing buildings, shall reflect any discernable pattern of window and door openings that is established among adjacent structures or is present in the existing building.

15) The construction of any blank, windowless facade facing a corridor that provides frontage for the lot on which the building is located is prohibited. All facades that face a street, parking lot or public area shall have windows.

16) The utilization of ribbon or continuous strip glazing in any building facade shall be avoided.

17) All roof-mounted equipment shall be screened utilizing screens of a height equal to the height of the unit.

18) Any large building façade and the sides visible from a street shall incorporate changes in plane and architectural features that give the appearance of several common-wall buildings.

19) Major modifications to the existing landscape such as extensive grading, clear-cutting of trees, or other similar activities shall be avoided to the extent possible.

20) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

21) Where permitted, drive-in and drive-thru facilities shall be located at the side or rear of buildings and landscaping shall be used to reduce the visibility of such facilities.

22) Cross-easements shall be used to provide shared access to parking and driveways whenever possible.

23) Off-street parking lots and loading areas, accessory use structures or storage other than sheds shall be screened from walkways and streets utilizing landscaping and/or fencing.

§ 210-30. Historic Revitalization Development District (HRDD).

A) District Purpose. This district applies to the former New York State Psychiatric Center on Route 9 in the Fairview section of the Town near the boundary with the Town of Hyde Park. Until such time as an application for a Master Development Plan has been approved by the Town Board as set forth in this section, no permits for the use of the property, or for construction, re-construction, or site work shall be issued. This district serves the following specific purposes:

1) Promote the preservation and adaptive reuse of Landmark structures in historic districts and historically significant open spaces.

2) Promote the preservation of open space by clustering of dwellings units and concentrating mixed development within a “new urban” design plan.

3) Promote a mix of commercial and residential uses within a planned community environment.

4) Promote pedestrian activity through a safe and walkable environment and establish, where appropriate, sidewalk connections to adjacent residential neighborhoods.

B) Permitted uses within a National Landmark Building and contributing area, and designated or eligible Federal Historic Districts shall be as follows, with all uses subject to approval of a

development master plan by the Town Board and site plan review and approval by the Planning Board:

1) Art Galleries, workshops or retail shops associated with arts, crafts or fine arts.

2) Artist's Live-Work facilities.

3) Bar, tavern.

4) Health club; indoor recreation facility; outdoor recreation facility.

5) Residential housing, which may be owner-occupied, provided for rental, or a combination thereof, and, if provided for sale, to be owned in fee simple, condominium, or cooperative ownership, which housing may include any of the following, or any combination thereof:

   a) Dwelling, single family.

   b) Dwelling, two-family.

   c) Dwelling, multiple family.

   d) Flats, studio, and residential apartment units located in multiple-family dwellings, or in mixed use buildings.

   e) Combination building: A building containing a combination of two or more dwelling unit types, which may include any of the following: single-family attached, flats, two story apartments, any of which may be arranged beside, above, or under, other types of unit types.

   f) Mixed use building: a building that combines one or more dwelling unit types, which may include, without limitation, single-family attached, flats, two-story apartments, any or which may be arranged beside, above, or under each other or in combination with other, non-residential, uses, including, without limitation, residential flats or townhouses over or within buildings partially devoted to retail, commercial, small-scale light industrial, or other non-residential use, as regulated herein.

6) Hotels, motels, conference centers, banquet facilities, inns, bed & breakfast establishments.

7) Libraries.

8) Mixed-use buildings, containing combinations of two or more of the residential, commercial and small-scale light industrial uses permitted in the HRDD.

9) Office, Business Office, Professional Office.

10) Personal service business, no drive-in or drive-thru

11) Public or semipublic uses such as live theaters, concert halls, arts cinemas [not exceeding 400 seats], museums or meeting rooms suitable for social, civic, cultural or educational activities; places of religious worship.

12) Restaurants, no drive-in or drive-thru.

13) Retail uses providing goods and services primarily to the immediate neighborhood, including bakeries, banks, delicatessens, and personal services, no drive-in or drive-thru.

14) School-age child or elderly day-care facilities subject to Section 210-66.

15) Schools, nursery schools.

16) Service business, no drive-in or drive-thru.

17) Solely within buildings existing on the date of adoption of this local law, and not exceeding 25,000 square foot footprint, or 50,000 square foot total floor area, the following small-scale light industrial uses, provided that no permanent outdoor storage

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shall be permitted, as determined by the Town Board, and appropriate screening is provided:

a) Cabinet or woodworking shops or similar crafting work with metal, stone, textile, clothes or ceramics, as approved by the Town Board.

b) Non-processing storage facilities.

c) Printing and publishing.

d) Other uses as approved by the Town Board as part of a development master plan.

C) Permitted uses in areas of the HRDD outside the National Landmark Building and contributing area, and designated or eligible State and/or Federal Historic District shall be as follows subject to approval of a development master plan by the Town Board and site plan review and approval by the Planning Board:

1) All uses specified in subsection B above, as provided therein.

2) Building Materials sales and storage (screened).

3) Business Parks, subject to §210-60.

4) Catalog show room, clothing store.

5) Clinics.

6) Restaurant.

7) Supermarket.

8) Laundromats, dry cleaner.

9) Nurseries, greenhouses and vegetable stands.

10) Personal service business.

11) Retail business.

12) Service business.

13) Theaters.

14) Small-scale light industrial uses as approved by the Town Board as part of a development master plan, having a similar impact to those allowed in subsection C above, provided that: (1) no individual building housing such a use has a footprint greater than 25,000 square feet, and (2) that the maximum floor area per said building does not exceed 50,000 square feet; and (3) no permanent outdoor storage shall be permitted, as determined by the Town Board, and appropriate screening is provided.

15) Accessory uses as approved by the Town Board as part of a development master plan.

D) Development master plan required. Due to the unique nature of redevelopment of the no minimum or maximum area and bulk requirements have been applied through this Chapter. As a result, no application for site plan, special use permit, subdivision, or variance approval for any development project in the HRDD shall be reviewed or approved until a development master plan has been approved by the Town Board in accordance with § 210-66 of this Chapter. In addition, with the exception of repairs and ordinary building maintenance, no building permit or certificate of occupancy shall be issued for any development project in the HRDD until a development master plan has been approved by the Town Board in accordance with § 210-66 of this Chapter.

1) Maximum residential density.

a) Except as provided for under the bonus incentive provisions below, no more than 300 residential units shall be permitted within the HRDD property.

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b) As an incentive to facilitate and enhance the preservation and protection of open space and existing historic structures, an additional 150 residential units shall be permitted within the HRDD property provided:

i) The approved master development plan preserves as permanent open space that portion of the HRDD property known as the "great lawn" consisting of __ approximately 18 acres of contiguous open space located generally to the west of the main historic building complex; and

ii) The approved master development plan preserves for adaptive reuse the remaining portion of the National Landmark Building consisting of ±269,099 square feet.

c) As an incentive to provide greater non-retail commercial square footage within the property, an additional 100 residential units shall be permitted within the HRDD property provided:

i) The approved master development plan provides for the construction of a minimum of 100,000 square feet of office space.

d) Under no circumstance shall more than 750 residential units be permitted within the HRDD property. Approval for any residential units beyond 550 shall be at the sole discretion of the Town Board after consideration of the Planning Board's recommendation.

e) The preservation and adaptive reuse of the historic structure and provision of the minimum square footage for office space shall be phased in accordance with a phasing plan approved by the Town Board.

2) Maximum non-residential development density. The maximum non-residential development density shall be 350,000 square feet. Approval for any non-residential density beyond 350,000 shall be at the sole discretion of the Town Board after consideration of the Planning Board's recommendation.

3) Area and bulk Requirements. Area and bulk requirements for both residential and non-residential uses (principal and accessory), including minimum lot area, minimum yards, minimum setbacks and other bulk and lot standards shall be determined and approved by the Town Board in its sole discretion after consideration of the Planning Board's recommendation.

4) In considering the master development plan application, the Town Board shall determine whether the application meets the criteria for approval of a development master plan and shall also establish any conditions of approval. Conditions of approval may include without limitation:

5) The maximum residential and non-residential development density of all phases of a development master plan shall be determined and approved by the Town Board, in its sole discretion and after consideration of the Planning Board's recommendation. The Town Board shall also establish its requirements with respect to land use intensity and/or dwelling unit density, lot and bulk standards, signage standards, and the land uses that will be permitted, including any accessory uses. In considering the application, the Town Board shall determine whether the application meets the criteria for approval of a development master plan and shall also establish any conditions of approval. Conditions of approval may include, without limitation:

a) Restrictions on the quantity, type and location of each permitted land use;

b) Responsibility for implementation of on-site and off-site infrastructure improvements demonstrated as necessary to service the master development plan project;

c) Provisions for the permanent preservation, and maintenance of required open spaces and buildings or sites of significant historical and/or archaeological value;

d) The establishment of standards, including design, performance and/or bulk standards, as determined appropriate by the Town Board, to govern the future approval of detailed subdivisions and/or site plans for individual sections of the proposed development by the Planning Board;

e) Requirements related to the phasing, timing and/or sequencing of the proposed development and related improvements;

f) Any other items relating to the health, safety and general welfare of the public.

6) Pursuant to the approval or conditional approval of a development master plan the Town Board may enter into a development agreement with the applicant. The purpose of such development agreement shall be to establish, in writing and for the benefit of both parties, the specific parameters of the approval which has been granted by the Town Board and upon which the applicant may rely in proceeding to arrange the financing and construction of the planned development, including any public improvements and/or land dedications required in connection therewith.

E) Design standards for the HRD District shall be as follows:

1) Comprehensive Design. The HRD District allows flexibility to encourage innovative site planning and design. The planning process shall begin with an overall conceptual development plan (i.e. the development master plan) for the entire HRDD tract. This plan will address overall design, appropriate treatment for various land uses, and plans for ingress, egress, internal traffic circulation and utility service. Where portions of the proposed development are located in different geographic or topographic areas, the conceptual development plan shall describe the ranges of uses in each distinct area, and how such areas will be separated or connected, as the case may be. After approval of the conceptual development plan, the redevelopment of the HRD District may be divided into HRDD sections that contain various land use elements (e.g., commercial, residential, small-scale light industrial, etc.), and each HRDD section will be the subject of individual site plans and review.

2) Design standards applicable to all buildings and uses.

a) Uses proposed for property abutting land developed for or zoned for residential use shall include a one hundred (100) foot setback from the adjoining district. The setback shall be landscaped to a depth of not less than twenty-five (25) feet in a location as approved by the Town Board. The landscaping shall consist of a mixture of evergreen and deciduous plantings. In approving a development master plan the Town Board shall use its discretion to establish appropriate landscape buffer setbacks for re-development projects involving the adaptive reuse or the redevelopment of existing structures and previously disturbed land areas.

b) Architectural elements shall be used to provide visual interest and promote integration of design elements.

c) Groups of related buildings shall be designed to present a visually attractive appearance in terms of combination and juxtaposition of architectural style and massing of buildings.

d) Shared parking facilities are encouraged. The Planning Board shall ensure that appropriate cross easements for use and ingress and egress to shared parking facilities are filed with the county clerk as part of development plan approval. Where appropriate the Planning Board may allow on-street parking provided the street width is adequate to safely accommodate on-street parking.

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e) Building lines shall be varied to the extent practical to provide an interesting interplay of buildings and open spaces.

f) The layout of residential areas shall create neighborhoods of appropriate scale and design, providing entrance features, landscaping, pedestrian and vehicular circulation, suitable to the type of housing provided. The Town Board shall find that the size and massing of any building, the number of residential units in each building and neighborhood grouping of buildings is appropriate. The use of a mix of residential building and housing types is encouraged.

g) New buildings shall be designed with consideration of their appearance from vantage points both within and outside of the HRD District. Form, scale and massing of new buildings shall not overpower the National Landmark Building or any other contributing building.

h) Residential neighborhoods shall include pedestrian circulation and connection to the other elements of the HRDD, including the shopping, recreation, and other support services that serve the residential component. Such a system may include paved or unpaved walkways and bikeways of appropriate width to serve their intended function.

i) Appurtenances on buildings and auxiliary structures, such as mechanical equipment, water towers, carports, garages or storage buildings, shall receive architectural treatment consistent with that of principal buildings.

j) The Planning Board shall conduct an architectural review as part of site plan review.

F) Additional Design standards for National Landmark Buildings and contributing buildings.

1) The portion of the Development Plan which covers the National Landmark Building and its contributing area, or any designated or eligible State and/or Federal Historic Districts, including any new construction therein, should follow traditional patterns of development, with prominent provisions for pedestrian activity, which may include village squares, sidewalks, and other walking paths and alleyways.

2) The applicant shall prepare and submit to the Planning Board, for approval as part of site plan review for the appropriate section, proposed design guidelines for architectural design elements, including scale, massing, details, materials, and color for any aspects of the buildings visible from public streets, paths, or parks. Design guidelines shall also be submitted to cover landscape layout, location, and materials, and street and landscape lighting. The guidelines may provide for flexibility of standards in individual cases that do not impair the implementation of the overall design concept. The Planning Board may also require that the design guidelines address specified bulk, location, or parking design elements relating to the development. The Planning Board may require that any required design guidelines be referred to as part of the recorded homeowners association (HOA) or condominium documents.

3) The applicant shall demonstrate to the Planning Board that the State Historic Preservation Officer (SHPO) and, where applicable, the National Park Service (NPS), have been consulted regarding any proposed exterior alteration of the Landmark Building or a contributing building, and regarding design guidelines for infill development in the eligible National Register District.

4) Site Plan Criteria. The site plan for a HRDD project shall conform to the site plan design standards as set forth in §210-152 of this Chapter.

5) Nothing herein shall be construed as to prevent the issuance of a building permit for repair of a building or structure so long as such repair does not result in the expansion of said building or structure, and the repair is necessary to prevent the deterioration of the building or structure or to prevent or remove an unsafe condition.

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§ 210-31. Greenspace Overlay District (G-O).

A) Purpose. The Greenspace Overlay (G-O) District established in Article III of this Chapter provides a critical link between the "major greenspace parcels" and "existing public parkland" identified in the Town Plan, the stated policy preference for open space instead of development use of substantial portions of these lands, and the regulations set forth in this Chapter concerning land use, including open space conservation and the type, density and location of permissible development, within the G-O District.

B) Uses. Notwithstanding the regulations applicable to the underlying zoning district within which the property is located, within the G-O District only the following uses are permitted. Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Dwelling, single-family.

2) *Parks.

3) *Public utility structures, subject to §210-96.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Agriculture excluding farm animals, subject to §210-50.

2) *Home occupations, subject to §210-74.

3) *Recreational clubs, subject to §210-65.

4) *Recreation, outdoor, subject to §210-98.

D) Accessory uses shall be as follows:

1) Accessory buildings and structures, subject to §210-48.

E) The area and bulk regulations for the G-O district shall be as follows:

Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
2	150	100	50	75	4%	8%	35 feet or 2.5 stories

F) Maximum density unit calculation. The maximum number of Density Units (i.e. units per acre or "DU") in any major or minor subdivision shall not exceed the maximum allowable DU, as calculated in § 177-15 of the Subdivision Law.

G) Incentives not applicable. Properties located in the G-O District are ineligible for the additional incentive densities of §210-76 of Chapter 210.

§ 210-32. Reserved

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§ 210-33. Neighborhood Business (B-N) District.

A) District Purposes. The purpose of this district is to provide convenient shopping facilities of sufficient variety to supply daily requirements of adjacent residential areas. The regulations are designed to limit the size of business and commercial facilities to a scale that is in keeping with the character of nearby residential districts.

B) Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Bakery, retail.
2) *Bank or financial services with or without drive-in, drive-thru.
3) *Delicatessen.
4) *Laundry, Laundromat.
5) *Libraries.
6) *Office.
7) *Personal service business, no drive-in or drive-thru.
8) *Public utility structure, subject to §210-96.
9) *Retail business, no drive-in or drive-thru.
10) *Restaurant, no drive-in or drive-thru.
11) *Service business, no drive-in or drive-thru.
12) *Places of religious worship, subject to §210-94.
13) *Veterinary office.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) Owner occupied accessory apartments not occupying any ground floor area, subject to §210-46.
2) *Animal hospital, subject to §210-52.
3) *Bar, tavern, subject to §210-54.
4) *Day-care center, subject to §210-66.
5) *Funeral home, subject to §210-71.
6) *Motor vehicle accessory sales, subject to §210-86
7) *Motor vehicle repair facility, subject to §210-87.
8) *Motor vehicle service facility, subject to §210-90.
9) **Nursery school, subject to §210-66.
10) *Outdoor restaurant dining area.
11) *School-age child-care facility, subject to §210-66.
12) Swimming pools (public), subject to §210-108.

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D) Accessory uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Accessory buildings and structures, subject to §210-48.

2) Temporary buildings for construction purposes, subject to §210-109.

E) The area and bulk regulations for the B-N district shall be as follows:

Minimum Lot Area (sq. ft.)	Minimum Lot Frontage (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
15,000	50	15	25	35	35%	75%	35 feet or 2 ½ stories

1) On a lot no single retail use shall occupy ground floor space in excess of 6,000 square feet.

2) Unless approved by the Planning Board, parking shall be located to the side or to the read of principal structures.

F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the B-N District The Planning Board shall use its discretion as to the applicability of these guidelines an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.

1) A landscaped buffer area of not less than 10 feet in depth shall be provided along the front yard, side yard, and rear yard of any lot, except where the non-residential development abuts a property in residential use in which case the setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter. Roads, pathways, and sidewalks providing access through the buffer are permitted.

2) Utilities shall be placed underground.

3) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed, or in the case of freestanding signs associated with.

4) Trash and storage containers shall meet the requirements of §210-112. Enclosures shall be constructed of masonry walls with a steel gate and shall be compatible with the color of the walls of the building to which it is associated.

5) Sidewalks of not less than five (5) feet in width shall be provided along any street and shall, where practicable, link with existing and future potential sidewalks and pedestrian pathways. The sidewalks shall be separated from the street by a tree lawn at least five (5) feet in width. In approving sidewalks the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.

6) New or in-fill construction should be designed so as to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape.

7) Where practicable, existing tree rows and hedgerows, stonewalls, and similar features should be retained in the development of any new use or the expansion of any existing use.

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8) Additions to existing buildings shall use materials and details complimentary with those incorporated in the parent structure.

9) New buildings, or additions to existing buildings, shall reflect any discernable pattern of window and door openings that is established among adjacent structures or is present in the existing building.

10) The construction of any blank, windowless facade facing a corridor that provides frontage for the lot on which the building is located is prohibited. All facades that face a street, parking lot or public area shall have windows.

11) The utilization of ribbon or continuous strip glazing in any building facade shall be avoided.

12) Flat roofs shall be avoided, except where the size or type of the building requires a flat roof and façade variations and other architectural features can disguise the flatness of the roof. Pitched roofs shall be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entry way or tower element to break the horizontal façade.

13) All roof-mounted equipment shall be screened utilizing screens of a height equal to the height of the unit.

14) Major modifications to the existing landscape such as extensive grading, clear-cutting of trees, or other similar activities shall be avoided to the extent possible.

15) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

16) The number of off-street parking spaces provided should be the minimum necessary to adequately serve the intended use.

17) The total number of required parking spaces shall be broken up into smaller "blocks" of parking, with no more than ten (10) parking spaces per parking block. Parking blocks shall be separated from each other by a landscaped area no less than 5 feet wide.

18) Where practicable, service alleys for deliveries and utility access should be established along rear property lines.

19) Cross-easements shall be used to provide shared access to parking and driveways whenever possible.

20) Off-street parking lots and loading areas, accessory use structures or storage other than sheds shall be screened from walkways and streets utilizing landscaping and/or fencing.

§ 210-34. Neighborhood Highway Business (B-NH) District.

A) District Purposes. The purpose of this district is to provide a variety of shopping and commercial facilities for adjacent residential areas and the community at-large where the lot has frontage on a major state or county highway. The regulations are designed to limit the size of business and commercial facilities to a scale that is in keeping with the character of nearby residential districts while allowing a greater variety of business uses than would otherwise be allowed in a neighborhood business district.

B) Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Bakery, retail.

2) *Bank or financial services with or without drive-in, drive-thru.

3) *Delicatessen.

4) *Inn, subject to §210-77.

5) *Laundry, Laundromat.

6) *Libraries.

7) *Office.

8) *Personal service business, no drive-in or drive-thru.

9) *Public utility structure, subject to §210-96.

10) *Recreation, indoor, private, not specifically mentioned.

11) *Retail business, no drive-in or drive-thru.

12) *Restaurant, no drive-in or drive-thru.

13) *Service business, no drive-in or drive-thru.

14) *Places of religious worship, subject to §210-94.

15) *Veterinary office.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) Owner occupied accessory apartments not occupying any ground floor area, subject to §210-46.

2) *Animal hospital, subject to §210-52.

3) *Bar, tavern, subject to §210-54.

4) *Day-care center, subject to §210-66.

5) *Funeral home, subject to §210-71.

6) *Motor vehicle accessory sales, subject to §210-86

7) *Motor vehicle repair facility, subject to §210-87.

8) *Motor vehicle sales and service facility, subject to §210-89.

9) *Motor vehicle service facility, subject to §210-90.

10) **Nursery school, subject to §210-66.

11) *Outdoor restaurant dining area.

12) *Personal service business, with drive-in or drive-thru.

13) *Retail business, with drive-in or drive-thru.

14) *Restaurant, with drive-in or drive-thru.

15) *Service business, with drive-in or drive-thru.

16) *School-age child-care facility, subject to §210-66.

17) Swimming pools (public), subject to §210-108.

D) Accessory uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Accessory buildings and structures, subject to §210-48.

2) Temporary buildings for construction purposes, subject to §210-109.

E) The area and bulk regulations for the B-NH district shall be as follows:

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Minimum Lot Area (sq. ft.)	Minimum Lot Frontage (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
20,000	100	25	25	35	25%	75%	45 feet or 3 stories

1) On a lot no single retail use shall occupy ground floor space in excess of 18,500 square feet. In the case of an adaptive reuse of a structure in existence as of the date of adoption of this Chapter no single retail use shall occupy ground floor space in excess of 28,500 square feet.

2) The continuous ground level frontage of a commercial use building in excess of 60 feet in length along any frontage exposed to a street, public space or parking area and ground level commercial uses larger than 9,000 square feet shall be contained in a mixed-use structure or be architecturally designed to appear as a streetscape composed of a variety of small buildings that helps to further prevent the visual dominance or appearance of a single, large commercial use.

3) Unless approved by the Planning Board, parking shall be located to the side or to the rear of principal structures.

F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the B-N District. The Planning Board shall use its discretion as to the applicability of these guidelines an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.

1) A landscaped buffer area of not less than 20 feet in depth shall be provided along the front yard, side yard, and rear yard of any lot, except where the non-residential development abuts a property in residential use in which case the setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter. Roads, pathways, and sidewalks providing access through the buffer are permitted.

2) Utilities shall be placed underground.

3) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed, or in the case of freestanding signs associated with.

4) Trash and storage containers shall meet the requirements of §210-112. Enclosures shall be constructed of masonry walls with a steel gate and shall be compatible with the color of the walls of the building to which it is associated.

5) Sidewalks of not less than five (5) feet in width shall be provided along any street and shall, where practicable, link with existing and future potential sidewalks and pedestrian pathways. The sidewalks shall be separated from the street by a tree lawn at least five (5) feet in width. In approving sidewalks the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.

6) New or in-fill construction should be designed so as to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape.

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7) The development of public parks, commons, or small pedestrian plazas with amenities such as benches and landscaping is encouraged.

8) Where practicable, existing tree rows and hedgerows, stonewalls, and similar features should be retained in the development of any new use or the expansion of any existing use.

9) Additions to existing buildings shall use materials and details complimentary with those incorporated in the parent structure.

10) New buildings, or additions to existing buildings, shall reflect any discernable pattern of window and door openings that is established among adjacent structures or is present in the existing building.

11) The construction of any blank, windowless facade facing a corridor that provides frontage for the lot on which the building is located is prohibited. All facades that face a street, parking lot or public area shall have windows.

12) The utilization of ribbon or continuous strip glazing in any building facade shall be avoided.

13) Flat roofs shall be avoided, except where the size or type of the building requires a flat roof and façade variations and other architectural features can disguise the flatness of the roof. Pitched roofs shall be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entry way or tower element to break the horizontal façade.

14) All roof-mounted equipment shall be screened utilizing screens of a height equal to the height of the unit.

15) Any large building façade and the sides visible from a street shall incorporate changes in plane and architectural features that give the appearance of several common-wall buildings.

16) Major modifications to the existing landscape such as extensive grading, clear-cutting of trees, or other similar activities shall be avoided to the extent possible.

17) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

18) The number of off-street parking spaces provided should be the minimum necessary to adequately serve the intended use.

19) The total number of required parking spaces shall be broken up into smaller "blocks" of parking, with no more than ten (10) parking spaces per parking block. Parking blocks shall be separated from each other by a landscaped area no less than 5 feet wide.

20) Where practicable, service alleys for deliveries and utility access should be established along rear property lines.

21) Where permitted, drive-in and drive-thru facilities shall be located at the side or rear of buildings and landscaping shall be used to reduce the visibility of such facilities.

22) Pedestrian safety and internal vehicular circulation must be considered in the design of any drive-thru facilities.

23) Cross-easements shall be used to provide shared access to parking and driveways whenever possible.

24) Off-street parking lots and loading areas, accessory use structures or storage other than sheds shall be screened from walkways and streets utilizing landscaping and/or fencing.

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§ 210-35. Highway Business (B-H) District.

A) District Purposes. This district is designed to provide areas for commercial establishments that typically require direct auto access to and visibility from a major arterial highway. Specifically, the intent of this district is to:

1) Provide appropriate locations and regulations for commercial uses which require large amounts of land area for storage, parking and other site requirements.

2) Accommodate those commercial uses which do not characteristically function well as part of regional or community shopping centers.

3) Provide for those unique commercial uses which must have highway locations for economic survival.

4) Provide regulations that ensure the visual and functional compatibility of highway business uses with surrounding land uses.

5) Provide for the coordinated and concentrated development of highway oriented commercial uses at appropriate location along major roadways.

6) Provide for the coordinated development of highway business uses with other major regional and community commercial uses within the Town.

B) Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Bakery, retail.

2) *Bank or financial services.

3) *Boat and marine sales, subject to §210-56.

4) *Bowling alleys.

5) *Building materials sales and storage (screened), subject to §210-59.

6) *Business parks, subject to §210-60.

7) *Club, health and fitness.

8) *Country clubs, subject to §210-65.

9) *Delicatessen.

10) *Fraternal clubs, subject to §210-65.

11) *Funeral homes, subject to §210-71.

12) *Golf courses, subject to §210-73.

13) *Hotel, motel, subject to §210-75.

14) *Indoor recreation.

15) *Inn, subject to §210-77.

16) *Laundry, Laundromat, dry cleaner.

17) *Mobile home sales, subject to §210-85.

18) *Motor vehicle accessory sales, subject to §210-86.

19) *Museums.

20) *Nurseries, greenhouses and vegetable stands.

21) *Office.

22) *Outdoor recreation, including miniature golf courses, archery ranges, driving ranges

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and skating rinks.

23) *Personal service business, with or without drive-in or drive-thru.

24) *Places of religious worship, subject to §210-94.

25) *Public utility structures, subject to §210-96.

26) *Restaurant, with or without drive-in or drive-thru.

27) *Retail business, with or without drive-in or drive-thru.

28) *Service business, with or without drive-in or drive-thru.

29) *Shoe store.

30) *Supermarket.

31) *Swimming pool and pool accessory sales.

32) *Veterinary offices.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Animal hospitals, subject to §210-52.

2) *Bar, tavern subject to §210-54.

3) *Day-care centers, subject to §210-66.

4) *Kennels, subject to §210-78.

5) *Motor vehicle rental facility, subject to §210-88.

6) *Motor vehicle repair facility, subject to §210-87.

7) *Motor vehicle sales and service, subject to §210-89.

8) *Motor vehicle service facility, subject to §210-90.

9) *Nursery school, subject to §210-66.

10) *Outdoor restaurant dining area.

11) *Recreation clubs, subject to §210-65.

12) *School-age child-care facility, subject to §210-66.

13) *Warehousing, storage buildings, subject to §210-115.

D) Accessory uses shall be as follows: (Note: "*" designates a use which is subject to site plan approval by the Planning Board):

1) *Accessory buildings and structures, subject to §210-48.

2) *Bus passenger shelter.

3) *Parking garage.

4) *Temporary buildings for construction purposes, subject to §210-109.

E) The area and bulk regulations for the B-H district shall be as follows:

Minimum Lot Area (acres)	Minimum Lot Frontage (feet)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
2	200	400	40	40	40	25%	75%	45 feet or 3 stories

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1) On a lot no single retail use shall occupy ground floor space in excess of 55,000 square feet.

2) The continuous ground level frontage of a single commercial use building in excess of 80 feet in length on any frontage exposed to a street, public space or parking area and ground level commercial uses larger than 20,000 square feet shall be contained in a mixed-use structure or be architecturally designed to appear as a streetscape composed of a variety of small buildings that helps to further prevent the visual dominance or appearance of a single, large commercial use.

3) Unless approved by the Planning Board, parking shall be located to the side or to the read of principal structures.

F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the B-H District. The Planning Board shall use its discretion as to the applicability of these guidelines an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.

1) A landscaped buffer area of not less than 30 feet in depth shall be provided along the front yard, side yard, and rear yard of any lot, except where the non-residential development abuts a property in residential use in which case the setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter. Roads, pathways, and sidewalks providing access through the buffer are permitted.

2) Utilities shall be placed underground.

3) Sidewalks shall be provided along any public street and shall, where practicable, link with existing and future potential sidewalks and pedestrian pathways. The sidewalks shall be separated from the street by a tree lawn at least 4 feet wide. In approving sidewalks the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.

4) The development of public parks, commons, or small pedestrian plazas with amenities such as benches and landscaping is encouraged.

5) The adaptive reuse of existing structures is encouraged.

6) Where practicable, existing tree rows and hedgerows, stonewalls, and similar features shall be retained in the development of any new use or the expansion of any existing use.

7) Additions to existing buildings shall use materials and details complimentary with those incorporated in the parent structure.

8) New buildings, or additions to existing buildings, shall reflect any discernable pattern of window and door openings that is established among adjacent structures or is present in the existing building.

9) Trash and storage containers shall meet the requirements of §210-112. Enclosures shall be constructed of masonry walls with a steel gate and shall be compatible with the color of the walls of the building to which it is associated.

10) The construction of any blank, windowless facade facing a corridor that provides frontage for the lot on which the building is located is prohibited. All facades that face a street, parking lot or public area shall have windows.

11) The utilization of ribbon or continuous strip glazing in any building facade shall be avoided.

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12) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed, or in the case of freestanding signs associated with.

13) Flat roofs shall be avoided, except where the size or type of the building requires a flat roof and façade variations and other architectural features can disguise the flatness of the roof. Pitched roofs shall be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entry way or tower element to break the horizontal façade.

14) Any large building façade and the sides visible from a street shall incorporate changes in plane and architectural features that give the appearance of several common-wall buildings.

15) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

16) The number of off-street parking spaces provided shall be the minimum necessary to adequately serve the intended use.

17) The total number of required parking spaces shall be broken up into smaller "blocks" of parking, with no more than 20 parking spaces per parking block. Parking blocks shall be separated from each other by a landscaped area no less than 5 feet wide.

18) Where practicable, service alleys for deliveries and utility access should be established along rear property lines.

19) Where permitted, drive-in and drive-thru facilities shall be located at the side or rear of buildings and landscaping should be used to reduce the visibility of such facilities.

20) Pedestrian safety and internal vehicular circulation must be considered in the design of any drive-thru facilities.

21) Cross-easements should be used to provide shared access to parking and driveways whenever possible.

22) Off-street parking lots and loading areas, accessory use structures or storage other than sheds shall be screened from walkways and streets utilizing appropriate vegetation and/or fencing.

23) All roof-mounted equipment shall be screened utilizing screens of a height equal to the height of the unit.

§ 210-36. Shopping Center Business (B-SC) District.

A) Purpose. The purpose of this district is to provide locations suited to the requirements of multi-community or regional shopping. The shopping center depends upon the interrelationship of a variety of commercial establishments for its economic vitality, all of which are included in the list of permitted uses. Shopping centers depend almost entirely on automobile traffic, hence the necessity for large sites on major arterial highways, where neither the traffic they generate nor the vast parking areas they require will interfere with the amenities of any adjacent and, in particular, residential land use. Shopping centers should be comprised of a physically or architecturally integrated complex of stores or buildings.

B) Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

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1) *Amusement machine complex.
2) *Bakery, retail.
3) *Bank or financial services.
4) *Bowling alley.
5) *Club, health and fitness.
6) *Laundromat, dry cleaner.
7) *Libraries.
8) *Motor vehicle accessory sales, subject to §210-86.
9) *Office.
10) *Personal service business.
11) Places of religious worship, subject to §210-94.
12) *Public utility structures, subject to §210-96.
13) *Restaurant.
14) *Retail business.
15) *Service business.
16) *Shopping Center, Shopping Mall.
17) *Skating rink.
18) *Supermarket.
19) *Theater.
20) *Recreation, indoor, private, not specifically mentioned.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Communication towers and radio stations, subject to §210-64.
2) *Day-care center, subject to §210-66.
3) *Motor vehicle rental facility, subject to §210-88.
4) *Motor vehicle repair facility, subject to §210-87.
5) *Motor vehicle sales and service, subject to §210-89.
6) *Motor vehicle service facility, subject to §210-90.

D) Accessory uses shall be as follows (Note: "*" designated a use which is subject to site plan approval by the Planning Board:

1) *Accessory buildings and structures, subject to §210-48.
2) *Bus passenger shelter.
3) *Garage, commercial.
4) Temporary buildings for construction purposes, subject to §210-109.

E) The area and bulk regulations for the B-SC district shall be as follows:

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Minimum Lot Area (acres)	Minimum Lot Frontage (feet)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
15	500	600	100	100	100	25%	75%	55 feet or 3 stories

1) Unless approved by the Planning Board, parking shall be located to the side or to the read of principal structures.

F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the B-SC District. The Planning Board shall use its discretion as to the applicability of these guidelines an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.

1) A landscaped buffer area of not less than 30 feet in depth shall be provided along the front yard, side yard, and rear yard of any lot, except where the non-residential development abuts a property in residential use in which case the setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter. Roads, pathways, and sidewalks providing access through the buffer are permitted.

2) Where practicable, existing tree rows and hedgerows, stonewalls, and similar features should be retained in the development of any new use or the expansion of any existing use.

3) The development of parks, commons, or small pedestrian plazas with amenities such as benches and landscaping is encouraged.

4) Utilities shall be placed underground.

5) Sidewalks shall be provided along any public street and shall, where practicable, link with existing and future potential sidewalks and pedestrian pathways. The sidewalks shall be separated from the street by a tree lawn at least 4 feet wide. In approving sidewalks the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.

Commercial developments may use small green spaces, courts, squares, parks, plazas, and similar spaces that can also function as community gathering places to provide transitions and ensure compatibility with surrounding non-commercial uses.

6) The creation of a safe pedestrian environment is a principal goal of the Town. The design of parking lots, access driveways, and streets shall be designed to avoid and minimize the potential for pedestrian/vehicle conflicts.

7) Trash and storage containers shall meet the requirements of §210-112. Enclosures shall be constructed of masonry walls with a steel gate and shall be compatible with the color of the walls of the building to which it is associated.

8) The construction of any blank, windowless facade facing a corridor that provides frontage

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for the lot on which the building is located is prohibited. All facades that face a street, parking lot or public area shall have windows.

9) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed, or in the case of freestanding signs associated with. For multiple tenants signage shall be presented as a unified plan that is integrated into the overall building design, color, scale, massing, as shall also be integrated with the site landscaping. All signage shall be subject Planning Board review and approval.

10) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

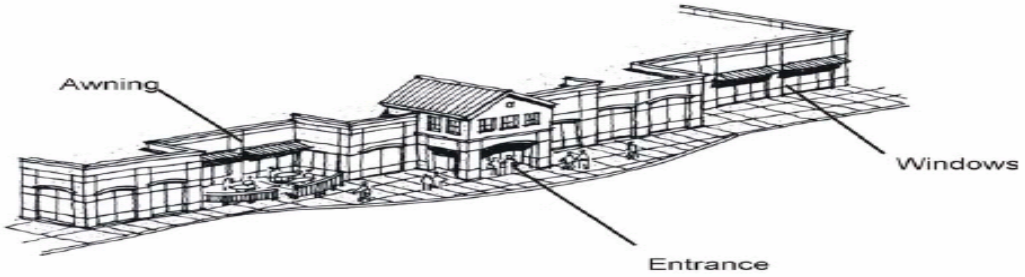
11) The number of off-street parking spaces provided should be the minimum necessary to adequately serve the intended use.

12) The total number of required parking spaces shall be broken up into smaller "blocks" of parking, with no more than 20 parking spaces per parking block. Parking blocks shall be separated from each other by a landscaped area no less than 5 feet wide.

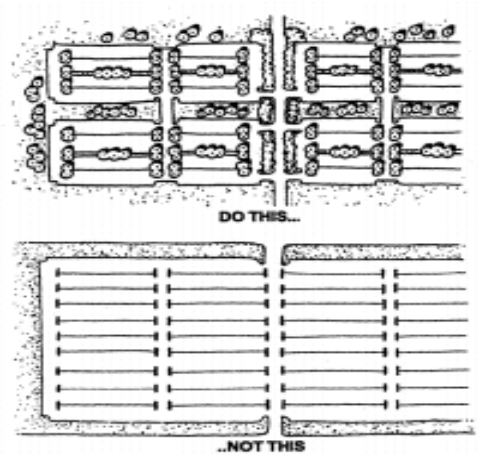
13) No structure shall be located within 100 feet of any residence district boundary.

14) Flat roofs shall be avoided, except where the size or type of the building requires a flat roof and façade variations and other architectural features can disguise the flatness of the roof. Pitched roofs shall be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entry way or tower element to break the horizontal façade.

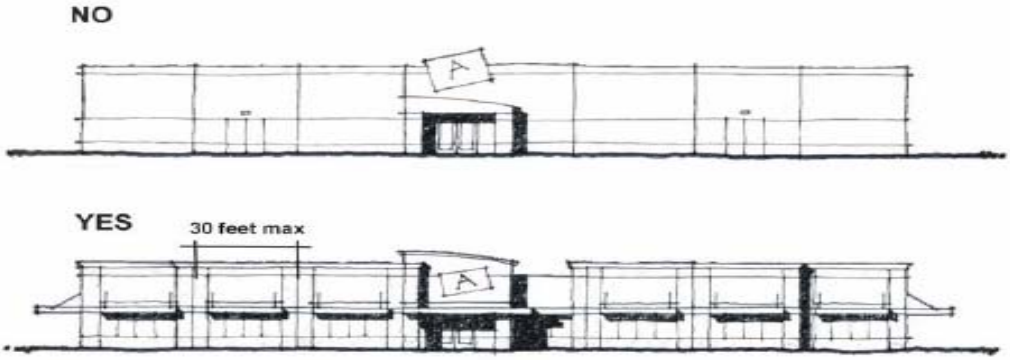
A clear, on-site system of pedestrian walkways must be provided. The pedestrian system must connect buildings to one another, to parking areas, and to public streets and sidewalks.



Facades must be subdivided and proportioned using features such as windows, entrances, arcades, arbors, and awnings.



All parking islands must be generously landscaped with native vegetation.



§ 210-37. Office Research (O-R) District.

A) Purpose. The Office Research District is comprised of a grouping of a select number of special low-intensity industrial and commercial uses. With the imposition of stringent site development regulations, this district is an ideal transition zone between industrial zones and residential neighborhoods because of the buffering effect provided by the extensive landscaping requirements. However, it is important that O-R Zone sites be located with direct access to major arterial highways in order to manage the traffic such development generates.

B) Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Bakery, wholesale.
2) *Bank or financial services.
3) *Business parks, subject to §210-60.
4) *Club, health and fitness.
5) *Golf courses, subject to §210-73.
6) *Indoor recreation.
7) *Laboratories, research, development or engineering, dental, medical and radiological, not involving hazardous biological material use, storage or disposal.
8) *Office.
9) *Parks.
10) *Playgrounds (public).
11) *Public utility structures, subject to §210-96.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Communication towers and radio stations, subject to §210-64.
2) *Day-care center, subject to §210-66.

D) Accessory uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Accessory buildings and structures, subject to §210-48.
2) *Bus passenger shelter.
3) *Garage, commercial.
4) *Parking lots.
5) Temporary buildings for construction purposes, subject to §210-109.

E) The area and bulk regulations for the O-R district shall be as follows:

Minimum Lot Area (acres)	Minimum Lot Frontage (feet)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
6	500	600	200	100	100	25%	75%	45 feet or 3 stories

1) Unless approved by the Planning Board, parking shall be located to the side or to the read of principal structures.

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F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the O-R District. The Planning Board shall use its discretion as to the applicability of these guidelines an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.

1) A landscaped buffer area of not less than 60 feet in depth shall be provided along the front yard, side yard, and rear yard of any lot, except where the non-residential development abuts a property in residential use in which case the setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter. Roads, pathways, and sidewalks providing access through the buffer are permitted.

2) Sidewalks of not less than five (5) feet in width shall be provided along any street and shall, where practicable, link with existing and future potential sidewalks and pedestrian pathways. The sidewalks shall be separated from the street by a tree lawn at least five (5) feet in width. In approving sidewalks the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.

3) Trash and storage containers shall meet the requirements of §210-112. Enclosures shall be constructed of masonry walls with a steel gate and shall be compatible with the color of the walls of the building to which it is associated.

4) Parking shall be located in the rear or to the side(s) of any principal structure.

5) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed, or in the case of freestanding signs associated with. For multiple tenants signage shall be presented as a unified plan that is integrated into the overall building design, color, scale, massing, as shall also be integrated with the site landscaping. All signage shall be subject Planning Board review and approval.

6) No structure shall be erected within 100 feet of a residence district boundary.

7) Flat roofs shall be avoided, except where the size or type of the building requires a flat roof and façade variations and other architectural features can disguise the flatness of the roof. Pitched roofs shall be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entry way or tower element to break the horizontal façade.

8) All roof-mounted equipment shall be screened utilizing screens of a height equal to the height of the unit.

§ 210-38. Institutional (IN) District.

A) District Purposes. The Institutional District is intended to preserve and protect private and public educational, and hospital uses located in the Town. Marist College, Vassar College, Dutchess Community College, Saint Francis Hospital, and Oakwood School are located within a centralized campus setting and are vital community assets. This district recognizes the importance of these institutions and provides protections for their continued growth and operation while ensuring that nearby residential neighborhoods are protected.

B) Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

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1) *Colleges and universities.

2) *Educational/vocational training centers.

3) *Hospital, clinic.

4) *Laboratories, dental, medical and radiological, not involving hazardous biological material use, storage or disposal.

5) *Offices.

6) *Places of religious worship, subject to §210-94.

7) *Schools.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Day-care center, subject to §210-66.

2) *Indoor and outdoor recreation.

3) *Radio and television station studios and/or antennas subject to §210-64.

4) *Public utility structures, subject to §210-96.

D) Accessory uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Accessory buildings and structures, subject to §210-48.

2) *Any uses customarily incidental to the principal permitted uses.

3) Temporary buildings for construction purposes, subject to §210-109.

4) *Cafeteria, food service.

5) *Dormitories.

6) *Equipment storage buildings.

7) *Library.

8) *Theater.

9) *Recreational facilities, indoor and outdoor.

10) *Parking garages and loading facilities.

E) The area and bulk regulations for the IN district shall be as follows:

Minimum Lot Area (acres)	Minimum Lot Frontage (feet)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
3	200	400	50	50	50	25%	75%	60 feet or 6 stories

1) Unless approved by the Planning Board, parking shall be located to the side or to the read of principal structures.

F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the IN District. The Planning Board shall use its discretion as to the applicability of these guidelines an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.

1) A landscaped buffer area of not less than 35 feet in depth shall be provided along the

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front yard, side yard, and rear yard of any lot, except where the non-residential development abuts a property in residential use in which case the setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter. Roads, pathways, and sidewalks providing access through the buffer are permitted.

2) Trash and storage containers shall meet the requirements of §210-112. Enclosures shall be constructed of masonry walls with a steel gate and shall be compatible with the color of the walls of the building to which it is associated.

3) Utilities shall be placed underground.

4) Sidewalks of not less than five (5) feet in width shall be provided along any street and shall, where practicable, link with existing and future potential sidewalks and pedestrian pathways. The sidewalks shall be separated from the street by a tree lawn at least five (5) feet in width. In approving sidewalks the Planning Board shall ensure that a recorded instrument sets forth the responsibility of the applicant and the future owners of the lots for maintenance and repair of the new sidewalks and landscaping. Alternatively the Planning Board may request that the Town Board establish a special district for the purpose of sidewalk and landscaping maintenance and repair.

5) No structure shall be erected within 100 feet of a residential district boundary.

6) Where practicable, existing tree rows and hedgerows, stonewalls, and similar features shall be retained in the development of any new use or the expansion of any existing use.

7) The creation of a safe pedestrian environment is a principal goal of the Town. Parking lots, access driveways, and streets shall be designed to avoid and minimize the potential for pedestrian/vehicle conflicts.

8) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.

9) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed, or in the case of freestanding signs associated with. For multiple tenants signage shall be presented as a unified plan that is integrated into the overall building design, color, scale, massing, as shall also be integrated with the site landscaping. All signage shall be subject Town Board review and approval.

10) All loading and unloading areas shall be screened from view from any public street.

11) Flat roofs shall be avoided, except where the size or type of the building requires a flat roof and façade variations and other architectural features can disguise the flatness of the roof. Pitched roofs shall be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are not feasible or practical in a given situation, then, at a minimum, a pitched roof architectural feature shall be required as a detail element, i.e., entry way or tower element to break the horizontal façade.

12) All roof-mounted equipment shall be screened utilizing screens of a height equal to the height of the unit.

§ 210-39. Light Industrial (I-L) District.

A) Purpose. Industrial zones are located close to arterial or limited access highways and, where appropriate, near railroads or the river. This district provides adequate space for the development of light industry in appropriate locations. Light industrial uses that have a limited impact on the environment and the local neighborhood are encouraged. This zone

provides buffer areas, especially adjacent to residential development.

B) Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Bakery, wholesale.

2) *Business parks, subject to §210-60.

3) *Contractor's yard.

4) *Health club.

5) *Indoor and outdoor recreation.

6) *Industrial Park; Business Park, subject to §210-60.

7) *Light industrial uses as defined in this Chapter.

8) *Machine shop.

9) *Municipal buildings.

10) *Processing.

11) *Public utility structures.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan review by the Planning Board:

1) *Building material sales and storage, subject to §210-59.

2) *Communication towers, subject to §210-64.

3) *Indoor flea markets, auction businesses.

4) *Motor vehicle rental facility, subject to §210-88.

5) *Motor vehicle repair facility, subject to §210-87.

6) *Motor vehicle sales and service, subject to §210-89.

7) *Motor vehicle service facility, subject to §210-90.

8) *Radio and television station studios and/or antennas.

9) *Warehouse and storage businesses.

10) Equipment rental.

D) Accessory uses shall be as follows (Note: "*" designates a use which is subject to site plan review by the Planning Board:

1) *Accessory buildings and structures, subject to §210-48.

2) *Any uses customarily incidental to the principal permitted uses.

3) *Bus passenger shelters.

4) Temporary buildings for construction purposes, subject to §210-109.

E) The area and bulk regulations for the I-L district shall be as follows:

Minimum Lot Area (acres)	Minimum Lot Frontage (feet)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
2	200	400	50	50	50	30%	90%	40 feet or 3.5 stories

1) Industrial processes and operations shall be enclosed.

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F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the I-L District. The Planning Board shall use its discretion as to the applicability of these guidelines an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.

1) A landscaped buffer area of not less than 100 feet in depth shall be provided along the front yard, side yard, and rear yard of any lot, except where the non-residential development abuts a property in residential use in which case the setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter. Roads, pathways, and sidewalks providing access through the buffer are permitted.

2) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed, or in the case of freestanding signs associated with. For multiple tenants signage shall be presented as a unified plan that is integrated into the overall building design, color, scale, massing, as shall also be integrated with the site landscaping. All signage shall be subject Planning Board review and approval.

3) No structure shall be erected within 100 feet of a residence district boundary.

4) Trash and storage containers shall meet the requirements of §210-112. Enclosures shall be constructed of masonry walls with a steel gate and shall be compatible with the color of the walls of the building to which it is associated.

5) Where practicable, existing tree rows and hedgerows, stonewalls, and similar features shall be retained in the development of any new use or the expansion of any existing use.

6) Buildings composed of closed sided covered structures are encouraged.

7) Truck loading and unloading shall be confined to on-site areas. All loading and unloading areas shall be screened from view to any street.

§ 210-40. Heavy Industrial (I-H) District.

A) Purpose. Industrial zones are located close to arterial or limited access highways and, where appropriate, near railroads or the river. This district provides adequate space for the development of industry in appropriate locations. A wide range of industrial activity that conforms to a high level of performance standards is encouraged. This zone provides buffer areas, especially adjacent to residential developments.

B) Permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Any use permitted in the I-L District.

2) *Bakery, wholesale; other food processing plants.

3) *Beverage distributors.

4) *Cold storage plants.

5) *Equipment, rental or sales yards.

6) *Health club.

7) *Heavy industrial uses as defined in this Chapter.

8) *Indoor and outdoor recreation.

9) *Laundering, dry cleaning and dyeing works.

10) *Light industrial uses as defined in this Chapter.

11) *Manufacturing, including fabrication, converting, processing, altering, assembly or other handling or products, excluding prohibited uses under §210-93.

12) *Transfer station.

13) *Wholesale businesses.

C) Special permitted uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Adult business use subject to §210-49.

2) *Any use allowed by special use permit in the I-L District.

3) *Bulk storage, including bulk fuel storage and distribution.

4) *Contractor's yard.

5) *Heliports.

6) *Indoor flea markets, auction businesses.

7) *Motor vehicle rental facility, subject to §210-88.

8) *Motor vehicle repair facility, subject to §210-87.

9) *Motor vehicle sales and service, subject to §210-89.

10) *Motor vehicle service facility, subject to §210-90.

11) *Recycling businesses, subject to §210-99.

12) *Trucking, freight and bus terminals.

D) Accessory uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board:

1) *Accessory buildings and structures, subject to §210-48.

2) *Any uses customarily incidental to the principal permitted uses.

3) *Bus passenger shelters.

4) Temporary buildings for construction purposes, subject to §210-109.

E) The area and bulk regulations for the I-H district shall be as follows:

Minimum Lot Area (acres)	Minimum Lot Frontage (feet)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height (feet)
4	200	400	50	50	50	30%	90%	40 feet or 3.5 stories

F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the I-H District. The Planning Board shall use its discretion as to the applicability of these guidelines an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.

1) A landscaped buffer area of not less than 100 feet in depth shall be provided along the front yard, side yard, and rear yard of any lot, except where the non-residential development abuts a property in residential use in which case the setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter. Roads, pathways, and sidewalks

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providing access through the buffer are permitted.

2) Industrial processes and operations shall be enclosed.

3) No structure shall be erected within 150 feet of a residential district boundary.

4) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed, or in the case of freestanding signs associated with. For multiple tenants signage shall be presented as a unified plan that is integrated into the overall building design, color, scale, massing, as shall also be integrated with the site landscaping. All signage shall be subject Planning Board review and approval.

5) Trash and storage containers shall meet the requirements of §210-112. Enclosures shall be constructed of masonry walls with a steel gate and shall be compatible with the color of the walls of the building to which it is associated.

6) Where practicable, existing tree rows and hedgerows, stonewalls, and similar features shall be retained in the development of any new use or the expansion of any existing use.

7) Industrial processes and operations shall be enclosed.

8) Truck loading and unloading shall be confined to on-site areas. All loading and unloading areas shall be shielded from view from any street.

9) All outdoor storage of goods or materials shall be screened from view from any street.

§ 210-41. Quarry (Q) District.

A) Purpose. The purpose of this district is to establish a district in which intensive soil and rock excavation may be undertaken on a large scale with minimum impact on the adjacent areas. Since extractive operations involve the use of explosives, creating intensive noise and vibrations and generate air pollution and heavy truck traffic, it is essential that the operation be controlled by strictly enforced safety regulations and that the Quarry Zone be surrounded by a buffer zone of sufficient depth to protect abutting properties from any nuisance caused by the operations.

B) Permitted uses shall be as follows (Note: "*" All uses, with the exception of agriculture, soil mining and quarry, shall be subject to site plan approval by the Planning Board.):

1) *Bituminous asphalt/concrete plant.

2) *Public utility structures, subject to §210-96.

3) *Soil mining.

4) *Quarry.

C) Special permitted uses shall be as follows (Note: "*" All uses, with the exception of agriculture, soil mining and quarry, shall be subject to site plan approval by the Planning Board.):

1) Agriculture excluding farm animals, subject to §210-50.

2) Agriculture including farm animals, subject to §210-51.

D) Accessory uses shall be as follows (Note: "*" All uses, with the exception of agriculture, soil mining and quarry, shall be subject to site plan approval by the Planning Board.):

1) *Accessory buildings and structures, subject to §210-48.

2) Temporary buildings for construction purposes, subject to §210-109.

E) The area and bulk regulations for the Q district shall be as follows:

Minimum Lot Area (acres)	Minimum Lot Frontage (feet)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Impervious Surface (%)	Maximum Height[a] (feet)
20	200	400	100	50	50	30%	90%	40 feet or 3.5 stories

[a]This limitation shall not apply to buildings devoted to the processing or conveyance of excavated materials.

F) Design standards. The following guidelines shall be applied during the site plan and subdivision review of any new development project involving undeveloped land in the I-H District. The Planning Board shall use its discretion as to the applicability of these guidelines an adaptive reuse project. All redevelopment projects shall meet the standards set forth herein.

1) A landscaped buffer area of not less than 150 feet in depth shall be provided along the front yard, side yard, and rear yard of any lot, except where the non-residential development abuts a property in residential use in which case the setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter. Roads, pathways, and sidewalks providing access through the buffer are permitted.

2) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed, or in the case of freestanding signs associated with. For multiple tenants signage shall be presented as a unified plan that is integrated into the overall building design, color, scale, massing, as shall also be integrated with the site landscaping. All signage shall be subject Planning Board review and approval.

3) Trash and storage containers shall meet the requirements of §210-112. Enclosures shall be constructed of masonry walls with a steel gate and shall be compatible with the color of the walls of the building to which it is associated.

4) No structure shall be erected within 100 feet of a residence district boundary.

§ 210-42. Reserved

ARTICLE VII
WATERFRONT DISTRICTS

§ 210-43. Waterfront 1 (WD1) District.

A) Purpose. The Waterfront District 1 (WD1) covers the areas of waterfront adjacent to low-intensity uses. It is the purpose of the WD1 District to promote compatible, well-designed water-dependent uses; achieve public access to the coastal area; control development; protect and enhance the corridor's natural, scenic and cultural resources; provide opportunities for permanent public views and access to the Hudson River; and to implement the policies and purposes of the Town of Poughkeepsie's Local Waterfront Revitalization Program.

B) Permitted uses. Permitted uses shall be as follows. (Note: "*" designates a use which is subject to site plan approval by the Planning Board.] These uses shall be in addition to the uses allowed in the underlying zoning district(s):

1) *Public and/or private recreation facilities, including membership clubs, which utilize the waterfront for active or passive recreation use, including public parks, trails, docks and

piers, playgrounds, beaches and swimming facilities.

2) *Community centers when part of coastal public access or public recreational access.

3) *Scientific, cultural, historic, artistic and educational activities and uses which, by their nature, require access to coastal waters.

4) *Mariculture and aquaculture activities.

5) *Infrastructure and facilities to provide access across the railroad tracks between the Waterfront District 1 and upland locations.

6) *Support facilities and temporary or moveable structures necessary for successful functioning of above uses. To the extent possible, such facilities will be sited inland of the principal use.

7) *Structures needed for flood protection and navigational purposes.

8) *Sewage disposal and water treatment facilities

C) Special permitted uses. Special permitted uses are as follows: marinas and related uses such as sale of marine supplies, services, fuel and equipment; boat yards; boat repairs; manufacture, assembly or repair of marine products such as boats, sails and hardware; charter boats and fishing guide operations, boat rentals; annual membership clubs which are water-dependent or support facilities necessary for successful functioning of the above uses. To the extent possible, such support facilities will be sited inland of the principal use. Marina development shall be in accordance with both the requirements of this district and those of §210-82.

D) Site plan approval factors. In addition to the factors for consideration during site plan review outlined in §210-152, the Planning Board shall consider the visual impact of site development, so as to mitigate, to the extent reasonably possible, the impact of development which is incompatible with existing views of the Hudson River from upland locations and of the waterfront from the Hudson River. The Planning Board will use the following siting and development guidelines to achieve these objectives, recognizing that each development opportunity is unique and that guidelines will have to be applied accordingly and considering both the scenic resource and the community's development objectives and priorities:

1) Siting and designing structures to enhance the visual character of and create or maintain views of the Hudson River; siting elements such as power lines, and signs, back from the shoreline or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.

2) Clustering or orienting structures to retain views, save open space and provide visual organization to a development.

3) Incorporating existing historic structures into the overall development scheme.

4) Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest.

5) Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, and blend structures into the site and obscure unattractive elements, except when sensitive clearing creates views of coastal waters.

6) Using appropriate materials, in addition to vegetation, to screen unattractive elements.

7) Using appropriate scales, colors, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

E) The area and bulk regulations for the uses set forth in paragraph “B” above in the WD1 Waterfront District shall be as follows:

1) Height.

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a) Maximum building or structure height shall be 30 feet.

b) Height exceptions.

(i) A maximum height increase of 10 feet may be granted by the Planning Board if dedicated meaningful, permanent public access to the shoreline is provided. "Meaningful, permanent public access" is defined as safe and unobstructed access to and along the dry, non-tidal or un-submerged shore areas for all members of the public. It is the Town's objective to attempt to provide a continuous public access system to and along the waterfront and/or public rights-of-way. Such access shall be in the form of a permanent easement or the granting of fee title to the Town of Poughkeepsie. Access may be regulated by reasonable conditions in a management plan submitted by the applicant and approved by the Planning Board as part of the final site plan approval. Because of the nature of the Town's shoreline, the Planning Board shall have the discretion to determine the dimensions of the access provided under this incentive. Where feasible, the access shall be at least 12 feet wide from the street to the shoreline, and at least 15 feet wide along the shoreline for the entire width of the property in the WD1. A surface suitable for pedestrian use, at least 10 feet wide, where feasible, shall be provided for the entire length of the access easement and to a standard approved by the Town of Poughkeepsie Engineer.

(ii) As part of site plan approval, the Planning Board may allow one or more elements of a proposed land use to be in excess of the height limitation if the element is an integral part of the proposed permitted or special permit use, provided that the permitted height shall not exceed that which, in the Planning Board's judgment, is reasonably necessary for the beneficial operation of the permitted use or special permit use. For example, a crane for transferring boats in and out of the water would be an integral part of a marina operation.

2) Lot area, river frontage and setback. There will be no minimum lot size. No lot shall have a river frontage of less than 100 feet. No building, structure or part thereof shall be erected nearer to the water's edge than 20 feet from mean high water. Water-dependent uses which require a location on or adjacent to the water are exempt from this setback requirement.

3) Maximum lot coverage. The total coverage of all buildings, structures or impervious surfaces on that portion of any lot located within the WD1 District shall not exceed more than 50%.

4) Off-street parking. Off-street parking facilities will be provided as set forth in § 210-92, except that:

a) Marinas shall provide at least a minimum of 0.6 space for each slip, berth or mooring plus whatever additional spaces are deemed necessary by the Board of Appeals for employees and for ancillary retail activities on the premises.

b) Uses not enclosed in a structure shall provide one space for every four persons at the maximum designed capacity of the facility.

c) Parking requirements for a use in the WD1 District may be satisfied if provided on adjoining lands in adjacent districts, on property owned or controlled by the same owner.

d) All sites with an area of one acre or more shall comply with DEC regulations.

5) Screening and landscaping.

a) Screening and landscaping of new development shall be provided as required by the

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Planning Board during site plan review to mitigate visual, impacts, protect neighboring properties and improve the scenic quality of the Hudson River waterfront.

b) To the extent feasible, natural vegetation, especially trees greater than four inches in diameter at breast height, will be maintained and augmented by plantings of species native to the region.

§ 210-44. Waterfront 2 (WD2) District.

A) Purpose. The Waterfront District 2 (WD2) covers the areas of waterfront adjacent to intensive industrial and commercial activity. It is the purpose of the WD2 District to promote well-designed water-dependent or rail-dependent or enhanced commercial and industrial uses; promote revitalization and redevelopment of deteriorated and underutilized areas; ensure appropriate development; protect and enhance the corridor's natural, scenic and cultural resources; and to implement the policies and purposes of the Town of Poughkeepsie's Local Waterfront Revitalization Program.

B) Permitted uses. Permitted uses shall be as follows. (Note: "*" site plan approval by the Planning Board.) These uses shall be in addition to the uses allowed in the underlying zoning district(s):

1) *Uses which utilize water transportation and/or rail transportation for transfer of goods, products or raw materials.

2) *Infrastructure and facilities to provide access across the railroad tracks between the Waterfront District 2 and upland locations.

3) *Uses, facilities and infrastructure, accessory to adjoining upland uses, which are dependent on or enhanced by access to the waterfront for effective operation.

4) *Facilities which support or are accessory to one of the above uses and which by their nature must be close to the use shall be sited inland of the principal use, to the extent reasonably possible.

5) *All permitted uses allowed in the Waterfront District 1.

6) *Marinas and related uses such as sale of marine supplies, services, fuel and equipment; boat yards; boat repairs; manufacture, assembly or repair of marine products such as boats, sails and hardware; charter boats and fishing guide operations; boat rentals; annual membership clubs which are water-dependent; or support facilities necessary for successful functioning of the above uses. To the extent possible, such support facilities will be sited inland of the principal use. Marina development shall be in accordance with both the requirements of this district and those of §210-82.

C) Site plan approval factors. In addition to the factors for consideration during site plan review outlined in §210-152, the Planning Board shall consider the visual impact of site development, so as to mitigate, to the extent reasonably possible, the impact of development which is incompatible with existing views of the Hudson River from upland locations set forth in Policy 25 of the Town of Poughkeepsie LWRP and of the waterfront from the Hudson River. The Planning Board will use the following siting and development guidelines to achieve these objectives, recognizing that each development opportunity is unique and that guidelines will have to be applied accordingly and considering both the scenic resource and the community's development objectives and priorities:

1) Siting and designing structures to enhance the visual character of and create or maintain views of the Hudson River; siting elements such as power lines, and signs, back from the shoreline or in other inconspicuous locations.

2) Clustering or orienting structures to retain views, save open space and provide visual

organization to a development.

3) Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest.

4) Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site and obscure unattractive elements, except when sensitive clearing creates views of coastal waters.

5) Using appropriate materials, in addition to vegetation, to screen unattractive elements.

6) Using appropriate scales, colors, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

D) The area and bulk regulations for the uses set forth in paragraph "B" above in the WD2 Waterfront District shall be as follows:

1) Height.

a) Maximum building or structure height shall be 30 feet.

b) Height exceptions.

(i) The height limitation shall not apply to buildings or structures devoted to the processing or conveyance of excavated materials which require a waterside location. However, all such structures shall be the minimum height that will accomplish the intended function.

(ii) As part of site plan approval, the Planning Board may allow one or more elements of a proposed land use to be in excess of this height limitation only if the element is an integral part of the proposed permitted or special permit use, provided that the permitted height shall not exceed that which, in the Planning Board's judgment is reasonably necessary for the beneficial operation of the permitted use. For example, a crane for transferring boats in and out of the water would be an integral part of a marina operation, or a bridge, trestle or conveyor over the railroad tracks would be an integral part of access to various permitted uses.

2) Lot area, river frontage and setback. There will be no minimum lot size. No lot shall have a river frontage of less than 100 feet. No building, structure or part thereof shall be erected nearer to the water's edge than 20 feet from mean high water. Water-dependent or rail-dependent uses which require a location on or adjacent to the water are exempt from this requirement. No road frontage is required when upland property in the same ownership is located in a different zoning district and provides such frontage.

3) Maximum lot coverage. The total coverage of all buildings and structures on that portion of any lot located within the WD2 District shall not exceed more than 50% of the lot.

4) Off-street parking. Off-street parking facilities will be provided as set forth in § 210-92, except that:

a) Marinas shall provide at least 0.6 space for each slip, berth or mooring plus additional spaces deemed necessary by the Board of Appeals for employees and for ancillary retail activities on the premises.

b) Uses not enclosed in a structure shall provide one space for every four persons at the maximum designed capacity of the facility.

c) Parking requirements for a use in the WD2 District may be satisfied if provided on adjoining lands in adjacent districts, on property owned or controlled by the same owner.

d) All sites with an area of one acre or more shall comply with DEC regulations.

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5) Screening and landscaping.

a) Screening and landscaping of new development shall be provided as required by the Planning Board during site plan review to mitigate visual impacts to the extent reasonably possible.

b) To the extent feasible, natural vegetation, especially trees greater than four inches in diameter at breast height, will be maintained and augmented by plantings of species native to the region.

§ 210-45. Reserved

ARTICLE VIII
SUPPLEMENTARY REGULATIONS

The uses listed in Article IV, Article V, and Article VI shall be subject to such exceptions, additions, or modifications as provided herein by the following Supplementary Regulations.

§ 210-46. Accessory apartments in commercial districts.

A) Purpose.

1) The reasons for allowing residential units in commercial districts are as follows:

a) To encourage the continued maintenance of the upper floors in the commercial buildings of central business districts.

b) To protect and preserve property values.

c) To provide additional security in business districts.

d) To meet the housing needs of custodians of the principal business uses.

e) To encourage the creation of lower cost housing units.

2) In light of the special circumstances arising from the mixing of business and residential uses, the following regulations are established.

B) Standards. Where permitted all accessory apartments in commercial districts are subject to a special use permit.

1) Gross size. The accessory apartments in total shall not exceed 50% of the total usable floor area of the commercial building area.

2) There shall be no more than four accessory apartments permitted per building.

3) Mixtures of land uses. In no case will accessory apartments be allowed in the same building as the primary use when the primary use involves the use of noxious or dangerous chemicals, gases or other hazardous substances and materials. The Zoning Board of Appeals has the right to deny a special use permit application if it is determined that the primary business use creates a hazard for accessory residential uses.

4) Size. The minimum floor area for each accessory unit shall be 300 square feet. The maximum floor area for each unit shall be no more than 800 square feet. The maximum number of bedrooms shall be two. The minimum and maximum square feet and number of new bedroom requirements may be adjusted if, in the opinion of the Zoning Board of Appeals, it is warranted by the specific circumstances of a particular building.

5) Off-street parking. One additional paved off-street parking space shall be provided per accessory apartment, in addition to the paved off-street parking spaces required for the

business use. Parking areas shall be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

§ 210-47. Accessory apartments in one-family dwellings.

A) Purpose. It is the purpose and intent of this section to allow accessory apartments on single-family properties in all residence districts in order to provide opportunity and encouragement for the development of small rental housing units designed to meet the special housing needs of single persons, couples, persons of low and moderate income and relatives of families presently living in the Town of Poughkeepsie. It is the further purpose and intent of this section to allow a more efficient use of the Town of Poughkeepsie's existing stock of dwellings, to provide economic support for present resident families and to protect and preserve property values.

B) Standards. To achieve and promote the goals of this section, the following standards are applicable for accessory apartment use:

1) The owner of the single-family lot on which an accessory apartment is located shall occupy and reside in the single-family dwelling unit or the accessory apartment on this lot.

2) An accessory apartment shall be located in or contiguous to the principal structure on a single-family lot. One building shall be considered the principal dwelling.

3) Accessory apartments may be created only in dwellings which have been constructed for at least two years or which have held a valid certificate of occupancy for at least two years.

C) Special use permit requirement. A special use permit shall be obtained by the owner from the Zoning Board of Appeals for any accessory apartment subject to the following provisions:

1) The apartment shall be clearly subordinate to the one-family dwelling.

2) The number of bedrooms in the apartment shall not be more than one.

3) The floor area of the apartment shall be greater than 400 square feet.

4) The floor area devoted to the apartment shall not exceed 35% of the existing floor area of the one-family dwelling.

5) The apartment and one-family dwelling must have safe and proper means of entrance, clearly marked for the purpose of emergency services, and with proper fire separation between units.

6) If the water supply is from a private source, the applicant or his or her agent shall provide certification that the water supply is potable and of adequate flow. Failure to correct promptly any water quality problems shall result in the revocation of the special use permit.

7) The applicant or his or her agent shall certify that the sewage disposal system is adequate for the two units. Failure to correct promptly any sewage system problem shall result in revocation of the special use permit.

8) No special use permit for an apartment shall be granted in any case where the Dutchess County Health Department has determined that the water or sewage system serving the dwelling or dwellings in question is not capable of handling the additional demand upon it by the use and occupancy of the accessory apartment.

9) Site plan approval by the Town of Poughkeepsie Planning Board shall not apply to special use permits under this section unless the Zoning Board of Appeals directs that, because of its complexity or other unusual circumstances, a particular application for an

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accessory apartment special use permit must have Planning Board site plan approval.

10) Stairways leading to any floor or story above the first floor shall be located within the walls of the building wherever practicable. Exterior stairways shall be located on the rear wall in preference to either side wall. In no instance shall a stairway be located on any wall fronting the street.

11) Adequate off-street parking shall be in accordance with §210-92 and shall be on the parcel on which the accessory apartment is located. To the maximum extent possible, off-street parking shall not occur in the front yard of the premises.

12) Any apartment within a one-family dwelling that is in existence at the time of the adoption of this section shall be subject to the special use permit provisions outlined herein.

13) The Zoning Board of Appeals shall provide copies of the application to and consider amendments which may be submitted within 30 days by the Town Building Inspector, Town Fire Inspector, Town Assessor and the Dutchess County Health Department before issuance of a special use permit.

14) The provisions of the New York State Uniform Fire Prevention and Building Code shall apply to the single-family dwelling unit and the accessory apartment on the premises.

15) Any exterior changes in the single-family dwelling unit caused by the creation of an accessory apartment shall conform to the single-family character of the neighborhood.

16) Continued compliance with all of these regulations is required. Failure to do so will result in a revocation of the special use permit.

17) The apartment shall be inspected by the Building and Fire Inspectors and the Zoning Administrator every two years after the issuance of the special use permit to ensure compliance with Town building, zoning and fire codes.

§ 210-48. Accessory buildings and structures.

A) In a residential district, an accessory building or structure shall not be constructed in front of nor be of a height greater than the principal building, nor shall such accessory buildings and structures be erected within 10 feet of side and rear property lines, operative septic tanks and leach fields. However, sheds not greater than 100 square feet in floor area and less than eight feet in height may be placed within six (6) feet of any side or rear property lines, operative septic tanks or leach fields. Nothing in this section shall prohibit the development of landscaping, lighting, fencing and walls in accordance with the applicable provisions of this chapter.

§ 210-49. Adult business uses.

A) Purposes and considerations.

1) Statement of purpose. In the execution of these provisions the Town of Poughkeepsie recognizes that adult business uses, due to their very nature, have serious objectionable operational characteristics, particularly when located in close proximity to residential neighborhoods and other sensitive land uses. The objectionable characteristics of these uses are further heightened by their concentration within an area thereby having deleterious effects on adjacent areas. It has been acknowledged by communities across the nation that local government has a special concern in regulating the operation of such businesses under their jurisdiction to ensure that their objectionable characteristics will not contribute to the degradation of adjacent neighborhoods nor endanger the well-being of the youth in their communities. The special regulations deemed necessary to control the undesirable secondary effects arising from these enterprises are set forth

below. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods and important natural and human resources of the town, to deter the spread of blight and to protect minors from objectionable characteristics of these adult business uses by restricting their proximity to places of worship, schools, nursery schools, day-care centers, educational institutions, parks, historic and scenic resources, civic and cultural facilities and residential areas.

2) It is further declared that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the Town of Poughkeepsie. The intent of this section is to provide appropriate places for adult business uses without compromising the character of the neighborhood.

3) Limiting these facilities to large parcels of property will maintain the visual and aesthetic environment as well as provide adequate distances to protect neighbors from noise, obnoxious traffic, lights, etc. It is further declared that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of great concern.

4) These special regulations are itemized in this section to accomplish the primary purposes of preventing a concentration of these uses in any one area and restricting their accessibility to minors.

B) Adult business uses, as defined in this Chapter, are to be restricted and regulated as to their locations in the following manner, in addition to any other requirements of this Chapter, and the special requirements itemized in this section are to accomplish the primary purposes necessary to ensure that any objectionable characteristics of these uses will not have a deleterious effect on adjacent areas and will restrict their accessibility to minors.

1) No adult business use shall be located within one-thousand feet of any area zoned for residential use or any property used for residential purposes.

2) No adult business use shall be located within a one-half-mile of another such use.

3) No adult business use shall be located within one-thousand feet of any school, church or other place of religious worship, park, playground, playing field or any place of business which regularly has minors on the premises.

4) In addition to the required parking spaces, one parking space for each permitted occupancy of the space devoted to an adult business use shall be provided.

5) Lighting shall meet the requirements of §210-81.

6) The hours of operation shall only be between the hours of 10:00 a.m. to 11:00 p.m.

7) The minimum lot size for an adult business use shall be 10 acres.

8) Front, side and rear yard setbacks shall be not less than 200 feet. Not more than one (1) adult business uses shall be located in the same building or upon the same lot or parcel of land.

9) No loudspeakers or sound equipment shall be used for adult business uses that can be discerned by the public from public or semipublic areas.

10) No amplifiers or loudspeakers of any type shall be installed outside of the building.

11) All such uses shall be subject to a special use permit and site plan approval.

12) There shall be a one-hundred-foot landscaped area along the entire highway frontage, except for necessary drives and sidewalks.

13) No site improvements (i.e. parking lot, access driveway, lighting, loading areas, trash collection area, principal building, accessory building, etc.) shall be placed within 100 feet

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of any property used for residential purposes or any residential district.

§ 210-50. Agriculture excluding farm animals.

A) Agriculture excluding farm animals shall include farms (except farms expressly for the disposal of offal or garbage), truck gardens, greenhouses, nurseries and arboretums on lots with an area of at least three acres, provided that:

1) Any farm building, except dwellings, buildings accessory thereto and the heating plant of any greenhouse, shall be at least 75 feet from any adjacent property line.

2) The Zoning Board of Appeals may reduce the requirements set forth above where lesser distances between such buildings and property lines would have no deleterious effect on adjoining properties.

B) The sale of produce grown on the premises is permitted, provided that ingress and egress facilities shall be subject to approval by the Planning Board. Off-street parking shall be in accordance with §210-92.

C) Fertilizer, if any, shall be stored not less than 50 feet from any property line.

§ 210-51. Agriculture including farm animals.

A) Agriculture including farm animals but excluding hogs shall include farms (except farms expressly for the disposal of offal or garbage), truck gardens, greenhouses, nurseries and arboretums on lots with an area of at least five acres, provided that:

1) Any farm building other than dwellings, buildings accessory thereto and the heating plant of any greenhouse shall be at least 75 feet from any property line.

2) Any building or structure devoted to or intended for the housing of rabbits, hares, guinea pigs, ducks, geese, live poultry or fowl of any kind shall be erected at least 100 feet from any property line.

3) Kennels or buildings devoted to or intended for the housing of livestock (including horses) shall be erected at least 200 feet from any property line.

4) The Zoning Board of Appeals may reduce the requirements set forth above upon a finding that lesser distances between such buildings and property lines would have no deleterious effect on adjoining properties.

B) The sale of produce grown on the premises is permitted, provided that ingress and egress facilities shall be subject to approval by the Planning Board. Off-street parking shall be in accordance with §210-92.

C) Animal waste, if any, shall be stored not less than 100 feet from any property line.

§ 210-52. Animal hospitals.

A) In any district where permitted, animal hospitals shall comply with the following provisions:

1) Any building housing animals shall be located at a distance of at least 200 feet from any residential district boundary. If soundproof construction is used, normal district setbacks and bulk regulations shall apply.

2) There shall be no offensive odor, emitted by the use, discernible at the property line of the lot.

3) Noise emissions shall be governed by the applicable standards of Chapter 139, Noise, of the Code of the Town of Poughkeepsie, New York.

4) Exterior animal containment may not be used between sunset and sunrise.

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§ 210-53. Architectural review.

A) In order to eliminate inappropriate and poor quality design in the exterior appearance of structures erected, reconstructed or altered in any zone in the Town, and exclusive of single-family dwellings, the Planning Board shall have the powers of architectural review. These powers are essential to the general welfare of the community, to stabilize and improve property values, to foster civic duty and to strengthen the local economy.

1) Regulation of structures. No structure shall be constructed, altered, repaired, moved or demolished unless such action complies with requirements hereinafter set forth.

2) Duties and powers of the Planning Board. All plans for construction, alteration, repair or demolition of structures exclusive of single-family dwellings shall first be submitted to the Planning Board, which shall have the power to review such plans before a permit for such work shall be granted; provided, however, that the Planning Board shall review such exterior features of a structure as are visible from a public way and shall not consider interior arrangements. In reviewing the plan, the Board shall give consideration to:

a) The architectural value and significance of the structure and its relationship to the surrounding area.

b) The general appropriateness of the exterior design, arrangement, texture and materials proposed to be used.

c) To any of the factors, including aesthetics, which it deems pertinent.

3) Any modification, renovation or restoration of the facade, including the lighting of any existing or proposed building other than residential, shall hereby be subject to architectural review by the Planning Board. Minor revisions of existing facades may be waived by the Planning Board.

4) An applicant seeking architectural approval for a new construction project, or a rehabilitation project of an existing building shall include all proposed wall mounted and freestanding signs with the application. No application for architectural approval shall be deemed complete, and no approval shall be granted, where said application does not include all exterior signage.

B) In addition to the foregoing general standards, the following specific standards shall apply in appropriate cases:

1) Alterations, repairs and additions. Where alterations, repairs or additions are undertaken, they shall be consistent with the architectural style of existing buildings or the architectural style of the surrounding district.

2) New construction. New construction shall be consistent with the architectural style of the district. However, where the architectural styles of buildings on adjoining properties differ from the styles within the district, the Planning Board may permit new construction that is consistent with the architectural style of adjoining buildings rather than that of the district as a whole.

3) Procedure for review of plan.

a) Applications for a building permit to construct, alter, repair or move any structure shall be made to the Building Inspector. The application shall include plans showing the structure in question and giving its relation to adjacent structures.

b) Upon the filing of such application, the Building Inspector shall immediately notify the Planning Board and shall transmit to such Board the application and any supporting plans or documents. The Planning Board shall consider such application and shall approve or disapprove the plans and, if it shall approve such plans, shall issue a certificate of approval and transmit the same to the Building Inspector within

10 days.

c) If the Planning Board shall disapprove the plans, it shall notify the Building Inspector within 10 days, who shall thereby deny the application for a permit.

d) Nothing in this section shall be construed to prevent the issuance of a building permit for the maintenance or repair of any structure.

C) Advisory board. The Planning Board is hereby authorized and empowered to retain as an advisor an architect or other such expert as it deems desirable or necessary to advise on specific applications.

§ 210-54. Bars and taverns.

A) All bars and taverns shall meet the requirements for landscaping, off-street parking and all other applicable regulations and standards.

§ 210-55. Bed-and-breakfast establishments.

A) Bed-and-breakfast establishments are owner-occupied or occupied by an agent who shall live on the premises. Bed-and-breakfast establishments are subject to the following conditions:

1) The owner shall be the principal operator.

2) They must be limited to 10 guest rooms.

3) They must meet all applicable zoning requirements.

4) The proprietor may serve meals to guests. A public dining room and bar is expressly prohibited.

5) Parking lots shall not be located closer than 15 feet to any residential property line providing a buffering for adjacent residential properties.

6) Parking requirements shall conform to §210-92.

7) The Department of Health shall certify that the water supply and sewage disposal system is adequate for maximum occupancy of the proposed facility.

8) Guest occupancy shall not exceed 21 consecutive days.

9) Location of signs shall be subject to Planning Board approval.

10) Sign requirements shall conform to Article IX.

11) Signs shall be made of natural material and externally lit.

12) Signs shall be monument or post-and-arm.

13) The height of monument signs shall not exceed four feet.

14) The height of post-and-arm signs shall not exceed eight feet.

§ 210-56. Boat and marine sales.

A) All boat and marine sale establishments shall be subject to the following standards:

1) The storage of boats, motors and similar accessories shall not be permitted in any required landscaped or buffered areas except those immediately adjacent to navigable water.

2) All repairs and service work areas shall be identified and shall be screened from view of adjacent residential areas.

3) Insofar as possible, repairs shall be accomplished indoors.

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§ 210-57. Boutiques with goods processed or assembled on site.

A) Purpose. The intent of this section is to encourage the development of small retail businesses that are involved in processing of products for sale on site and artisans and crafters processing or assembling their products for sale on site. Boutiques will be subject to the following criteria:

1) Retail area shall be limited to 1,500 square feet.

2) The total number of employees on site at any one time shall not exceed four.

3) The business shall not generate more than two one-way commercial vehicle trips per day.

4) No outdoor display or sale permitted.

5) Sign requirements shall conform to Article IX.

6) Signs shall be made of natural material and externally lit.

7) Signs shall be post-and-arm or placed on a wall. The height of post-and-arm signs shall not exceed eight feet.

§ 210-58. Reserved.

§ 210-59. Building materials sales and storage (screened).

A) In any district where permitted, building material sales and storage (screened) shall comply with the following provisions:

1) Outdoor storage and display shall not cover more than 25% of the lot.

2) All outdoor storage areas must be screened by a minimum of eight-foot-high fencing or walls that are landscaped to the satisfaction of the Planning Board.

3) Minimum parking required: four spaces for every 1,000 square feet of building area.

§ 210-60. Business parks.

A) Purpose. It is the propose of this section to encourage the development of well-designed business parks, including but not limited to sites where existing highway business, retail and industrial uses are no longer viable and have fallen into disuse. It has been determined that the physical integration of mixed-use business and business-related uses will provide a more coherent land use pattern, thereby preserving property values and maintaining the visual and aesthetic environment. Further, a properly planned business park will provide area residents with employment opportunities and help strengthen the tax base.

B) Requirements.

1) Permitted uses. The following uses are permitted, subject to Planning Board site plan approval:

a) Accessory buildings and structures.

b) Banking and financial services.

c) Hotel or motel, subject to the requirements of §210-75.

d) Inns, subject to §210-77.

e) Light industrial facilities as defined in §210-9.

f) Museum.

g) Offices for business and professional use.

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h) Parking garages.

i) Restaurant; delicatessen.

j) Retail business, service business, personal service business, including but not limited to bakery, bookstore, computer store, health or fitness club, specialty or health-food grocery store, day care center, school age child-care facility, dry cleaning, parcel service and copy center. The uses in this paragraph shall be limited to 15% of the gross building floor area of the overall business park site.

k) Scientific, research and development facilities not involving hazardous biological material use, storage or disposal.

l) Temporary buildings for construction purposes.

2) Dimensional and area requirements.

a) The parent parcel proposed for development as a business park shall contain at least five (5) contiguous acres of land.

b) A business park shall have:

(i) At least 100 feet of road frontage on either an existing arterial or an existing primary collector, or

(ii) Access rights via an easement agreement to an existing arterial or an existing primary collector, provided that the frontage on the primary collector is located within 2,000 feet of an intersection with an existing arterial as such roads are shown in the Town Master Plan.

c) To encourage the development of business parks, the maximum total lot coverage of all buildings may be up to 50% of the total site, and the maximum building height shall be 65 feet, plus roof equipment.

d) Setbacks from the roadway edge shall not be less than 50 feet, and no part of any building shall be closer than 15 feet from any other property line, except where the non-residential development abuts a property in residential use in which case the setbacks and landscaping for non-residential and mixed use developments shall be subject to the requirements of §210-152(A)(2) of this Chapter. In all other cases there shall be no minimum side yard or rear yard requirements. .

e) A business park may be subdivided into two (2) or more parcels provided that a reciprocal easement agreement approved by the Planning Board as part of the site plan approval process, is executed and recorded requiring that such subdivided parcels, for so long as the business park use exists, function as one integrated parcel for ingress and egress, parking, internal circulation, water service, drainage, sanitary sewage disposal, and storm sewers. In the event of such subdivision as is set forth above, the dimensional and area requirements of this Chapter shall not be applicable to the individual subdivided parcels. The overall business park, however, disregarding the individual lot lines created by the subdivision, shall comply with the dimensional and area requirements of this Chapter.

f) Not more than thirty (30%) percent of the minimum landscaped area required elsewhere in this Chapter may be satisfied by the creation of such minimum landscaped area on the adjoining right-of-way of a public highway owned and maintained by the New York State Department of Transportation, provided that written approval is obtained from the New York State Department of Transportation.

g) For the purpose of enhancing design flexibility, including the enhancement of the visual appearance of a business park, and for the purpose of reducing the amount of lot area devoted to surface parking, the creation of structured parking in parking garages is encouraged, and such parking garages shall not be required to satisfy

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front yard, rear yard, side yard or parking aisle width requirements contained in this Chapter, subject to the requirements of §210-152(A)(2).

3) Water and sewer. No business park shall be approved unless connected to municipal water and sewer services.

C) Performance standards. Except as set forth herein, all uses within the business park shall comply with the performance standards of this Chapter.

D) Design criteria. The intention of this subsection is to create an architecturally coherent development in which building design, detail, form, shape, color and the like integrate with the other aspects of the development, including landscaping, site topography, parking lot design, open space and architectural character of the surrounding area. In addition, business parks shall be subject to the following design requirements:

1) All aspects of §210-80, "Landscaping", and §210-152, "Site Plan Standards".

2) Parking and Loading. The following provisions shall apply to parking and loading for business parks:

(a) The off-street parking and loading provisions of §210-92 shall apply to the business park, except that all minimum parking requirements set forth in §210-92(N) shall not apply. The parking and loading design within the business park must provide adequate parking for the mixed-use project, including for any retail, office, educational and hotel uses and for any child-care facilities and create safe and comfortable passageways for pedestrians.

(b) The parking design shall provide such parking spaces as the Planning Board shall determine to be necessary, considering the activities and uses involved and the differing parking demands of mixed-use business parks.

3) Entrances shall be designed to allow access at speeds of at least 15 miles per hour.

4) Wherever an adjacent commercial site has been developed or it is reasonably expected that it will be developed, parking and circulation shall, where practicable, be interconnected to limit access points onto main roads.

E) Development Master Plan. In lieu of the procedures set forth in §210-66, neither the Planning Board, or the Zoning Board of Appeals, or any other administrative agency, board, body or officer of the Town of Poughkeepsie may receive, process, and determine applications for subdivision approval, site plan approval, special use permit approval, use variance approval, area variance approval, aquatic resource permits or any other land use approvals for a Business Park without the prior approval of the Town Board. Such approval, if adopted, is a determination only that the subject matter of a proposed application or applications for the establishment of a Business Park is/are in technical compliance with the stated purposes of these regulations, the stated permitted principal and accessory uses for a Business Park, and the density requirements of the Business Park as such purposes, uses and densities are set forth in paragraphs "B", "C" and "D" of this section. Town Board approval does not direct approval or limit or modify the authority otherwise existing under law for the receipt, processing and approval of any one or more land use approval applications by any agency, board, body or officer of the town. Authorization granted by the Town Board pursuant to this section does not commit or direct any agency, board, body, or officer of the Town of Poughkeepsie to any course of future decisions. All obligations applicable under the New York State Environmental Quality Review Act (ECL Article 8 and the accompanying regulations in 6 NYCRR Part 617, as the same may be amended from time to time) shall be carried out by the agency, boards, body or officer authorized to receive, process and determine applications for approvals. Approval by the Town Board pursuant to this section 210-60 is a Type II action .pursuant to 6NYCRR 617.5 (28) to wit, engaging in the review of any part of an application to determine compliance with technical requirements provided that no such determination entitles or permits a project sponsor to commence an action

unless and until all requirements of Part 617 have been fulfilled, and accordingly such Town Board review is not subject to review under Part 617.

F) Non-residential condominium conversions.

1) Authority. The Planning Board shall have the authority to waive all area and bulk regulations within a business park for a nonresidential condominium in an existing building in order to ensure the orderly division of ownership and subdivision of physical space within large existing buildings and provide for proper maintenance of the entire premises. Parking and open space requirements may also be waived for nonresidential condominium conversions when the Planning Board determines that existing areas are sufficient to meet the demand of potential tenants. Any addition, modification or other change to the exterior of an existing building, whether in conjunction with a new owner or not, is subject to site plan approval, and any addition is also subject to all applicable area and bulk regulations. Building and other applicable permits shall be obtained prior to the commencement of any interior modifications.

2) Applicability. Nonresidential condominium conversions require site plan approval. The provisions of this subsection apply only to buildings that:

a) Have a footprint of at least 40,000 square feet at the effective date of this chapter; and

b) Contain or previously contained conforming industrial uses; and

c) Are to be divided for the use of at least two different nonresidential establishments.

3) Standards. In addition to those standards outlined in §210-152, Planning Board standards for site plan approval, the Planning Board shall use the following standards in review of a nonresidential condominium conversion:

a) The impact of the proposed use or uses in the nonresidential condominium building, both in and of themselves and in relation to existing or other proposed uses.

b) Whether existing parking areas are sufficient to meet reasonably anticipated demand.

c) All documentation, including provisions for maintenance of common and open space areas, as required by the New York State Condominium Act, Article 9-B, §339-d et seq., of the Real Property Law and its attendant regulations, submitted in a form acceptable to the New York State Attorney General's office and the Town Attorney.

d) Where an existing building is to be expanded, submission of any additional materials necessary for Planning Board review.

4) Upon approval and subsequent occupancy of a nonresidential condominium, submission of tenant ownership records, including name, address and telephone number of tenants, to the Zoning Administrator.

5) Amendments. When ownership of an approved nonresidential condominium is intended to be resubdivided such resubdivision division shall be subject to the full provisions of this section.

6) Signs. All signs shall be approved by the Planning Board as part of the architectural review and approval of the business park plan.

7) Surety. The Planning Board shall require bonding or other appropriate form of surety to ensure that all planned construction in a nonresidential condominium conversion is completed according to approved plans.

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§ 210-61. Reserved.

§ 210-62. Cemeteries.

A) In any district where permitted, cemeteries shall be subject to the following regulations:

1) Minimum area shall be 10 acres.

2) No interment shall take place within 50 feet of any street or property line. Such fifty-foot buffer area shall be suitably landscaped so as to screen the cemetery from view insofar as is practicable.

3) Caretakers' cottages, crematories, mausoleums (and chapel/funeral homes) which are incidental to the cemetery shall be permitted as accessory uses, provided that:

a) Any such structure shall comply with the setback and yard requirements for the district in which it is located.

b) Off-street parking shall be in accordance with §210-92.

§ 210-63. Communication towers and radio stations.

A) Communication towers and radio stations are subject to the following conditions where permitted:

1) Communication stations, including radio broadcasting or relay stations and similar stations may be allowed by special use permit.

2) Communication towers incidental and accessory to the principal use may be allowed by special use permit in the districts indicated provided that the lot on which such towers are located is not less than four (4) acres in size, and such towers shall be erected only to that height necessary to accomplish the purpose they are to serve and such height shall not exceed 75 feet in height above average ground level. Further, such towers shall be set back from any residential parcel or district boundary a distance equal to 1 1/2 times the total tower height, including the height of any structure upon which the tower is situated. Such towers shall not cause interference with local radio or television reception and shall not endanger neighboring property or the public.

3) No communication tower shall be used for or have placed upon it any type of sign except warning signs needed for public safety.

§ 210-64. Country clubs, fraternal clubs and recreational clubs.

A) The intent of these regulations is to ensure that country clubs, fraternal clubs and recreational clubs are compatible with the neighborhood and immediate area where located and not detrimental to the property values in the neighborhood where located. Wherever possible, clubs shall have direct access to a state or county road.

B) Special requirements.

1) A hedge, fence or wall adequate for year-round screening of the club shall be installed, of a design, location and material as determined by the Planning Board.

2) No amplifiers or loudspeakers of any type shall be installed outside of the building.

3) Exterior lighting shall be installed as directed by the Planning Board.

4) District bulk regulations will be applicable except that:

a) All yard setbacks will be at least 100 feet.

b) The following minimum lot sizes are required:

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5) Country clubs: 20 acres.

6) Fraternal clubs: five acres.

7) Recreational clubs: five acres.

§ 210-65. Day-care and nursery school facilities.

A) Purpose. It is the intent of the Town of Poughkeepsie to provide for the child-care needs of the residents and those employed in the Town in a way that promotes the public interest while maintaining the essential character of the Town's residential, commercial and industrial areas. This section is developed in recognition of the critical need for affordable child care for the Town's working parents.

B) Family and group family day-care homes. Family and group family day-care homes, as defined under day-care facilities in Article II, shall be permitted as of right in all residential zones, provided that:

1) State licensing requirements are met, including those pertaining to building, fire safety and health codes.

2) Applicable zoning and subdivision standards for residential uses are adhered to in full.

3) All area and bulk regulations are in compliance with applicable requirements herein.

4) An off-street dropoff/pickup area must be provided. A driveway in conformance with Town permit standards shall be sufficient for such purpose.

5) Signs, if any, conform to the requirements of Article IX.

6) No structural or decorative alteration that will alter the single-family character of an existing residential structure or be incompatible with surrounding residences is permitted.

C) Day-care centers, school-age child-care facilities and nursery schools. A special use permit is required for any day-care center, school-age child-care facility or nursery school, as defined in Article II. Day-care centers, school-age child-care facilities and nursery schools are permitted in all zones with the exception of the Mobile Home and Quarry Zones, provided that they are in compliance with the following:

1) The center, facility or nursery school complies with all regulations of §210-66. In addition, the licensed day-care provider shall submit a copy of said license and other pertinent documents from New York State Department of Social Services and, if applicable, the New York State Department of Education.

2) A site plan in compliance with district zoning is submitted to the Planning Board for its approval. For site plan approval, day-care centers, school-age child-care facilities or nursery schools shall:

a) Comply with Subsection B(1) through (6) of this section.

b) If a new structure or alteration is proposed, be compatible with the character of the neighborhood or district with regard to scale, design, architectural details, materials and setback.

c) Provide an outdoor play space as specified by New York State Social Services Law. Such area shall be at least 1/4 the square footage of the structure in which the facility is housed, screened from the road from which the center takes access, either by the center itself or appropriate landscaping or other methods, and contained, by fence or other means, to prevent conflicts between adjacent properties and the facility's activities.

d) Provide adequate parking facilities for the day-care center or nursery school at least

one for every nonresident employee, plus one for every 10 children, and provide an off-street pickup and dropoff area either on the driveway or an approved parking area.

e) Conform to other requirements, as specified by the Planning Board, to ensure that the center maintains the character of the neighborhood or district.

D) Day-care center density bonus. Where a day-care center, as defined in Article II, is provided on the site of a nonresidential complex and where adequate off-street pickup and dropoff areas and sufficient facilities to ensure the overall safety of abutting traffic movement are provided, the Planning Board is hereby authorized to grant any one or all of the following:

1) A waiver of the floor area of the day-care facility from the computation of the maximum building coverage.

2) A waiver of the parking requirements of this section, provided that adequate parking for the day-care center employees can be provided.

3) A gross floor area increase over and above the maximum coverage permitted equal to that of the day-care space, up to 2,000 square feet.

§ 210-66. Development master plan approval.

A) The following sets forth the procedure for approval of a development master plan for those matters for which such approval is required by this Chapter.

1) Where development master plan approval by the Town Board is required by this Chapter no site plan, special use permit, subdivision, or variance application shall be accepted or approved by the Planning Board or the Zoning Board of Appeals, and no building permit or certificate of occupancy shall be issued for any development project unless said application has received the prior approval of the Town Board as part of a development master plan in accordance with the procedures set forth below.

2) A development master plan shall consist of a concept plan for development of all lands and buildings within the area(s) proposed for development and shall be prepared and processed as described below. The development master plan shall show the uses proposed for each building proposed for development within the parcel(s) proposed for development.

3) The development master plan shall include, as an integral part of the application and the project approvals, a plan for phasing of construction and development of all non-residential and residential uses, and all required infrastructure. The Town Board shall ensure that the phasing plan includes, as appropriate, a mix of residential and non-residential uses, including but not limited to the redevelopment/rehabilitation of historic structures, the establishment of recreation areas, and the permanent protection of open space and environmentally sensitive areas. Development of more than one phase may be undertaken simultaneously subject to reasonable conditions established by the Town Board.

4) Nothing herein shall be construed as to prevent the issuance of a building permit for repair of a building or structure so long as such repair does not result in the expansion of said building or structure, and the repair is necessary to prevent the deterioration of the building or structure or to prevent or remove an unsafe condition.

B) Development master plan application. An application for approval of a development master plan shall be as follows:

1) Applicant. An application for approval of a development master plan shall be made in writing to the Town Board. Application shall be made by the owner(s) of the land(s) to be included in the project or by a person or persons holding an option or contract to

purchase the lands. In the event an application is made by a person or persons holding an option or contract to purchase the lands, the application shall be accompanied by a statement signed by all owners of such land indicating concurrence with the application. All approved plans shall be binding on all owners and their successors and assigns.

2) Applications. All applications for development master plan approval shall be in writing and on forms and in such quantity as may be prescribed by the Town Board. The application must include a Part 1 Full Environmental Assessment Form. The application shall include the following information:

   a) Site location map. A site location map showing the location of the site in relation to existing roads, properties, structures, land uses, zoning districts, school districts, service and utility districts, hydrogeologic zone boundaries, flood hazard areas, special groundwater protection areas, historic district boundaries, and other similar significant information for the subject property itself and all areas within 500 feet of it.

   b) Environmental conditions map. This may consist of a single map or a series of maps on a current topographic base and shall indicate all significant environmental conditions including topography with a maximum vertical contour interval of two feet, wetlands by type and function, patterns of existing vegetation and habitat, a steep slopes analysis with categories of 0 to 10%, 11% to 15%, and over 15%, soil conditions, buildings or sites of historical or archaeological significance, habitat areas for rare, endangered, threatened or special concern species of flora and fauna, existing watercourses and drainage patterns, flood hazard areas and flood elevations, and the boundaries of any hydrogeologic zones, special groundwater protection areas, or other such classifications which relate to the subject property.

   c) Land use and development plan. A proposed land use and development plan illustrating the applicant's land preservation, land use and development concept for the entire property, including statistical summaries of the total proposed quantity and type of each land use, including subtotals by school district.

   d) Phasing plan. A proposed phasing plan indicating the phasing of land dedication, site development and infrastructure improvements, both on and off-site including the general order of construction and the estimated timing of each phase.

   e) Report. A description of the proposed physical changes to the project area in a report that includes graphics and a supporting narrative. The application shall contain sufficient facts and information for the Town Board or Reviewing Board to make the findings required under this section. However, fully engineered plans and construction details are not required at this stage in the process.

   f) Multiple Owner Applications. Lots that are to be created may be owned by one or more persons, partnerships, limited partnerships, trusts or corporations, but must be presented as a single property at the time of application to the Town Board. Such multiple-owner applications shall be jointly filed and consented to by all owners and, if approved, shall be binding on all of them and all future owners. Legal agreements shall be provided, in recordable form and in substance satisfactory to the Town Attorney with the application.

3) Fees. An application shall be accompanied by an application fee as set by the Town Board. All application fees are in addition to any required escrow fees, and do not cover the cost of environmental review. The applicant shall be responsible for the total cost of environmental reviews that are determined to be necessary to meet the requirements of the State Environmental Quality Review Act (SEQRA) subject to the limitations set forth at 6NYCRR 617.13. If the Town Board requires professional review of the application by a designated private planning, engineering, legal or other consultants, or if it incurs other extraordinary expense to review documents or conduct special studies in connection

with the proposed application, reasonable fees shall be paid for by the applicant and an escrow deposit will be required.

C) Review and approval of a development master plan. The review and approval of a development master plan shall be conducted in accordance with the following procedures:

1) Town Board review. An application for development master plan approval shall be submitted to the Town Board. Upon receipt of an application the Town Board shall notify the applicant of the place, date, and time of the meeting at which the application is to be considered, and shall refer the application to the Planning Board for review and recommendation. The applicant or the applicant's representatives shall be present at meetings of the Town Board at which the application is to be considered. Although not required, applicants are encouraged to commence discussions with the owners of land abutting or in proximity to the project site to ascertain local concerns and local development issues early in the project design process.

2) Planning Board review. Within one hundred sixty (160) days of receipt of the application from the Town Board the Planning Board shall make a recommendation to the Town Board as to whether in the opinion of the Planning Board the development master plan meets generally accepted planning and engineering standards for approval and whether it is generally in conformance with the Town Plan. The Planning Board shall also indicate any changes to the development master plan that, in the opinion of the Planning Board, are necessary or desirable to achieve one or more of the goals of the Town Plan, this Chapter, or Chapter 177. The applicant or the applicant's representatives shall be present at meetings of the Planning Board at which the application is to be considered. Failure of the Planning Board to provide a recommendation within the specified time shall be deemed a recommendation to approve the development master plan.

3) SEQRA review. As the agency "principally responsible for undertaking, funding or approving"[1] the development master plan, the Town Board shall declare its intent to be lead agency pursuant to 6 NYCRR 617 for review of all applications to establish or amend the HRDD development master plan. No application shall be deemed complete until a lead agency is established, a Negative Declaration has been issued, or until a Draft Environmental Impact Statement has been accepted by the lead agency as satisfactory with respect to scope, content and adequacy. The SEQRA review shall be processed in accordance with 6 NYCRR Part 617.

4) Town Board action. Within one-hundred-sixty (160) days of receipt of a complete application, the Town Board shall hold a public hearing on the development master plan. Notice of the public hearing shall be published in the official newspaper at least five (5) days prior to the date set for public hearing. The Town Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the application, including the prominent placement of one or more signs on the premises that is the subject of the application notifying interested persons that an application for a development master plan is under consideration by the Board. All notices shall include the name of the project, the location of the project site, and the date, place, time and subject of the public hearing at which the application will be reviewed. Such notice shall not be required for adjourned dates. Within one-hundred-sixty (160) days of the close of the public hearing the Town Board shall act to approve or disapprove the development master plan application. The time within which the Board must render its decision may be extended by mutual consent of the applicant and the Board. The Board may, if it feels it necessary in order to fully protect the public health, safety and welfare of the community, attach to its approval any reasonable conditions or requirements for the applicant to meet. The decision of the Board shall be filed in the

1. 6 NYCRR 617.2(u).

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office of the Town Clerk within five (5) business days of the date such decision is rendered and a copy thereof shall be mailed to the applicant.

D) Criteria for approval of the development master plan. In determining whether or not to approve a development master plan, the Town Board shall consider the extent to which, consistent with the intent and objectives of this Chapter, the proposed project meets the following criteria:

1) The project conforms to the applicable purposes and goals of the Town Plan.

2) The project conforms to the purposes of this section and the applicable purposes of this Chapter.

3) The project conforms to accepted design principles in the proposed functional roadway system, land use configuration, open space system, drainage system and scale of the elements.

4) The project design would provide for adequate public services and utilities, including access to public transportation.

5) The project components are suitably located with respect to uses on adjoining lands, and the project uses would be reasonably free of objectionable conditions, such as odors, noise, dust, air pollution, high traffic volumes, incompatible land uses and other environmental constraints.

6) The architectural style of proposed buildings, including exterior materials, finishes, color and the scale of the buildings, would be consistent with intent and purposes of this Section.

7) The development of the site would not produce undue adverse effects on the surrounding neighborhood.

E) Approval of projects following approval of a development master plan.

1) Site plan approval required. Site Plan review and approval by the Planning Board as provided in Article XIII of this Chapter shall be required prior to the commencement of any site work or the issuance of a building permit. Changes to a previously approved site plan shall also require site plan approval. The site plan application may be for a single phase or multiple phases of the development master plan, or it may address development of the whole area covered by the master plan.

2) Subdivision approval. If the development proposal involves the subdivision of land as defined in this Chapter and Chapter 177, the subdivision approval of the Planning Board pursuant to Chapter 177 shall be required prior to commencement of any site work or the issuance of a building permit. Where practicable, the Planning Board shall conduct its review of an application for site plan approval coincident with its review of an application for subdivision approval.

3) Conformity with development master plan required. The Planning Board shall not approve any site plan and/or subdivision within an area covered by an approved development master plan unless the Board finds that the site plan and/or subdivision is in substantial conformance with said development plan, and any conditions and requirements imposed by the Town Board at the time of its approval of the development master plan.

4) Request for changes to the development master plan. If during the site plan and/or subdivision review it becomes apparent that certain elements of the development master plan as approved by the Town Board have become infeasible or impracticable, the applicant may present a modified plan to the Planning Board. The Planning Board shall then determine whether or not the modified plan is still in keeping with the intent of the development master plan approval. If the modified plan is in keeping with the intent of

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the approved development master plan, then the Planning Board may approve the site plan as modified. If the modified plan is not in keeping with the intent of the approved development master plan then the applicant may apply directly to the Town Board for an amendment to the approved development master plan. Any such amendment shall be subject to the procedures as a new application. If an application for an amendment to the Town Board is not made, the site plan and/or subdivision plat shall be considered as disapproved.

F) Time limits. If construction work on the proposed development project is not begun within three (3) years of approval of the development master plan, then approval of the development master plan shall become null and void and all rights therein shall cease unless the Town Board, for good cause, authorizes an extension.

§ 210-67. Dish and microwave antennas.

A) The provisions of this section are intended to regulate dish antennas and microwave antennas in order to minimize any adverse impacts on residential neighborhoods and structures.

1) Dish-type antennas must be set back at least 15 feet from side and rear lot lines and shall be screened from existing residential uses on abutting lots, where practical.

2) Site plan approval shall be required for nonresidential, ground-type, dish-type antennas.

§ 210-68. Feeder roads.

A) Purpose. The purposes of feeder roads are to:

1) Maintain the flow and circulation of vehicular and pedestrian traffic along major roadways and within sites.

2) Provide improved access to commercial, industrial and residential developments located on or adjacent to arterials or other major roadways.

3) Preserve capacity of arterials or other major roadways by controlling access and preventing a proliferation of turning movements and traffic control devices.

4) Segregate local traffic from higher speed through traffic.

B) Authority. As a condition of site plan approval, the Planning Board may require the construction of a feeder road, consistent with the purposes of this section. Where immediate construction of a feeder road is not practical but can be reasonably anticipated, the Planning Board may alternatively require the reservation of appropriate rights-of-way and other provisions to ensure that a feeder road may be built in the future. The Planning Board may also reset required front yard setbacks to provide sufficient space for proposed feeder roads, but in no case may setbacks be changed any more than is necessary to accommodate the proposed feeder road.

C) Design criteria. The construction of feeder roads and/or pedestrian accessways shall be considered where uses that generate significant traffic volumes abut arterials or other important collector roads, as such roads are shown in the Town Plan. Whenever practicable, feeder roads shall be located to the rear of structures to connect rear parking lots. Pedestrian accessways shall be located where appropriate and where they are likely to receive the most use.

1) Frontage roads. Where feeder roads are designed to be generally parallel to and abut existing roadways, the following criteria will be applied:

a) Appropriate design provisions must be included to allow sufficient space for turning and stacking of entering and exiting vehicles. Entrances and exits on and off arterials

or collector roads should be limited to the number necessary. Where feasible, the distance between any access points should be at least 1,000 feet.

b) Roadway width must be sufficient to allow for the safe passage of vehicles. In general, 10 feet shall be provided for each travel lane and eight feet for on-street parking lanes.

c) A landscaped buffer between the arterial or collector road and the feeder road shall be provided. Such buffer shall be at least 20 feet in width and shall comply with the provisions of §210-80, "Landscaping".

d) Feeder roads must be built in accordance with the specifications contained in the Town of Poughkeepsie Town Road Standards [with the exception of Subsection C(1)(b) above] and are subject to the approval of the Town Engineer.

e) Access to adjacent land uses must be designed so as to allow safe ingress and egress of vehicles.

2) Rear feeder roads. Where feeder roads do not abut existing roadways or take access from existing roadways, the following criteria will be applied:

a) Feeder roads must be designed so as to provide safe access to adjacent land uses. Entrances and exits must be appropriately defined and their number limited to the minimum necessary.

b) The Town of Poughkeepsie Town Road Standards shall be used with the exception that the road width may be reduced to a minimum of 20 feet and lane width may be reduced to a minimum of 10 feet.

3) Pedestrian accessways. In addition to or instead of feeder roads, the Planning Board may require the construction of pedestrian accessways which serve to connect two or more lots or sites. The design of such accessways should create the most pleasant pedestrian environment possible and, where appropriate, should include landscaping and screening to insulate the pedestrian from vehicular traffic. Such accessways should be placed where most appropriate and are not required to be built adjacent to roadways.

D) Driveway interconnection. Where the construction of a feeder road is determined to be inappropriate or infeasible, the Planning Board may require the interconnection of existing entrances and exits, parking lots or driveways in order to eliminate the need for additional access points onto major roadways.

E) Temporary direct access. Where a feeder road is planned, but will not be built immediately, the Planning Board may grant conditional approval which would allow direct access to a roadway until the feeder road is improved and available. At such time the direct access to the highway shall be eliminated. The Town Board will hold a bond or other form of guaranty to ensure that such closure occurs.

F) Maintenance. The Planning Board shall require written assurance, deed restrictions or other methods acceptable to the Town Attorney, binding the owner and his or her heirs and assignees to permit and maintain feeder roads and any interuse of parking facilities or other improvements.

§ 210-69. Fences and walls.

A) In a residential district, walls and fences not exceeding eight feet in height shall be permitted on any portion of a lot behind the front building line or the front setback line, whichever is less restrictive, except where the corner clearances are required for traffic safety and except as otherwise required in §210-69. Within required front yards, no hedge, fence or wall shall exceed three and one-half (3 ½) feet. Electric, barb wire, razor wire, and other similar fencing shall be prohibited.

§ 210-70. Flammable liquid storage.

A) The storage of alcohol, crude oil, fuel oil, gasoline, liquefied petroleum gas or any other highly flammable liquid shall be subject to the Town of Poughkeepsie Fire Prevention Code, New York State Uniform Building and Fire Prevention Code and accepted standards.

§ 210-71. Funeral homes.

A) Such buildings may contain space and facilities for:

1) Embalming and the performance of other services used in the preparation of the dead for burial.

2) The storage of caskets, funeral urns or other related funeral supplies.

3) The storage of funeral vehicles.

4) Such buildings shall not include facilities for cremation.

5) Where a funeral home is permitted, a funeral chapel shall also be permitted.

6) All funeral homes shall meet the requirements for landscaping and off-street parking.

§ 210-72. Garage sales and temporary tent sales.

A) A nonrenewable permit issued by the Zoning Administrator is required in order to conduct a garage sale for a maximum of three consecutive days; permits may be extended because of inclement weather. There must be a separate application each time a garage sale is held. The following regulations also apply:

1) Merchandise bought for the express purpose of resale is prohibited.

2) There shall be a limit of two garage sale permits per residential structure per year.

3) The sale shall be between the hours of 8:00 a.m. and 6:00 p.m.

4) The permit is automatically revoked should the Town of Poughkeepsie Police, Senior Officer in Charge, state in writing that the sale is creating an unsafe traffic condition.

5) Temporary signs may be posted for the duration of the sale, subject to the following conditions:

a) Signs shall be removed at the end of the sale.

b) Signs shall not exceed six square feet.

B) Temporary/tent sales shall meet the following standards:

1) Temporary/tent sales shall comply with all the requirements of this chapter, as well as other applicable regulations.

2) Temporary/tent sales shall comply with the requirements for signs.

3) Special use permit approval shall be obtained for any temporary/tent sale to be conducted on the premises. Temporary/tent sales shall be limited to three per year per establishment.

§ 210-73. Golf courses.

A) In any district where permitted, golf courses shall be subject to the following regulations:

1) Minimum area shall be 20 acres.

2) Any buildings incidental to the golf course shall be located at least 200 feet from any street or property line.

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3) Parking areas shall be located at least 50 feet from any street or property line. Off-street parking shall be in accordance with §210-92.

4) Fairways and greens shall be located at least 200 feet from any residential property line.

5) Year-round screening of all buildings and parking areas shall be installed along any residential property line of a design, location and material approved by the Planning Board.

§ 210-74. Home occupations.

A) The provisions of this section are intended to protect and maintain the residential character of the districts in which such uses are permitted.

B) Only one home occupation per residential unit shall be permitted. A home occupation shall be clearly secondary to the residential use.

C) All home occupation activities shall be conducted within the enclosed space of the principal building. No outdoor storage or displays shall be permitted.

D) No more than two nonresident employees shall be permitted.

E) No more than 25% of a residential building's floor area, as defined in §210-9, shall be devoted to such use.

F) The residence must be occupied by those engaged in the home occupation.

G) No exterior visual evidence of the existence of a home occupation shall be permitted. A nameplate identifying the name of the resident carrying out the occupation and the service offered may be authorized by the Zoning Board of Appeals. Such nameplate shall not exceed two square feet and shall not be illuminated or animated.

H) Services and instruction offered shall be limited to no more than five clients or customers at a time. No services generating noise audible beyond the parcel boundary shall be permitted.

I) The home occupation shall not generate more than four one-way, commercial vehicle trips per day.

J) Any additional parking spaces as may be required by the Zoning Board of Appeals shall be provided in such a manner as to preserve the residential character of the parcel.

K) No wholesale or retail sales with a stock-in-trade shall be permitted on the premises.

L) No home occupation shall create a hazard to public health, welfare or safety.

M) In addition to those uses which do not meet all the requirements stated herein, uses which are specifically prohibited as home occupations shall include, but are not limited to, the following: bed & breakfast, ambulance, taxi, towing or similar service; automobile-related business including repair, parts, sales, upholstery, body work, painting or washing service; restaurant; bar; video store; commercial servicing of construction equipment; public stable; kennel; animal hospital; group instrument instruction; boardinghouses; mortuary establishments; convalescent homes and other extended care medical facilities.

§ 210-75. Hotels and motels.

A) In any district where permitted, hotels and motels shall comply with the following provisions:

1) Hotels and motels may include accessory restaurant and other facilities not to exceed 25% of total floor area.

2) A hotel or motel may include general office accommodations subject to applicable district regulations.

3) In a Highway Business (B-H) District, no sleeping unit shall be closer than 100 feet to any street line or 50 feet to any property line except where it abuts a residential district; then the distance shall be 70 feet.

4) Other activities or uses, whether permanent or temporary, which are customarily incidental to a hotel or motel are permitted; however, all such uses must be conducted entirely within the building. There shall be no external evidence of such activity or use other than permitted signs.

§ 210-76. Incentives

A) Statement of Policy. Pursuant to §261-b of the Town Law, the Town of Poughkeepsie hereby establishes a policy of encouraging the preservation of open space and the provision of facilities and amenities that would benefit the Town by providing incentive(s) to applicants seeking approval of a major subdivision plat or a multi-family development, to develop the residential uses in accordance with the standards of this Chapter and Chapter 177.

B) Purpose. The purpose of the Town's system of incentive zoning is to advance the goals and policies expressed in the Town Plan and this Chapter. Pursuant to a Findings Statement adopted after the review and acceptance of a Final Generic Environmental Impact Statement that analyzed the potential environmental effects associated with adoption of this Chapter, the Town Board hereby finds that the system of incentive zoning set forth in this section is consistent with the Town Plan and that such incentives are compatible with the development otherwise permitted in the residential districts as set forth in this Chapter. As set forth below the Town Board has established standards for the proper application of incentive zoning to a major subdivision plat and a multifamily development project, and the specific findings the Town Board shall make prior to approving an adjustment to the maximum density unit requirements of this Chapter.

C) Grant of Authority. In considering an application for approval of a major subdivision plat or multifamily development project the Town Board is hereby authorized to adjust the maximum density unit requirements of the zoning district in which the property is located in exchange for one (1) or more of the specifically identified incentives, and in accordance with the standards and conditions set forth below. In authorizing the incentive adjustment to the maximum density unit pursuant to said section the Town Board shall ensure that the benefit to the Town is permanent, and may require such easements, surety or other performance guarantees that the Board deems necessary.

D) Applicability. The incentives set forth herein shall be applicable only to parent parcels of not less than twenty-five (25) acres and that are zoned R-4A, R-2A, or R-1.5A for which an application for approval of a major subdivision or approval of a multi-family development project pursuant to this Chapter and Chapter 177 of the Town Code is submitted. The Town Board is solely vested with the authority to grant an incentive bonus in return for one or more of the benefits as set forth in this section.

E) Location of Open Space. The Town Board is authorized to require the reconfiguration of a development plan to ensure that the open space to be protected under the plan consists of Usable Open Space as defined in this Chapter

F) Maximum Allowable Adjustment. In no event shall the total of the Tier 1, Tier 2, Tier 3, and Tier 4 incentive adjustments set forth below exceed one hundred (100%) percent of the base maximum density unit calculation for the conventional subdivision or multi-family development project as determined by the Planning Board in its recommendation to the Town Board. Only one (1) adjustment per Tier shall be allowed for any one development project.

G) Incentives. Notwithstanding any contrary provision of the Town Law, this Chapter, or Chapter 177 that limits or restricts the maximum unit density of a proposed major

subdivision or multi-family development project, an applicant may apply for an incentive adjustment to the maximum unit density requirements of this Chapter in exchange for one or more of Tier 1, Tier 2, Tier 3, or Tier 4 benefits for any major subdivision or multi-family development project.

1) Tier 1 Open Space Incentive. The calculation of the Tier 1 Incentive is based on the maximum density unit calculation for a conventional subdivision or a multi-family development project prior to the addition of any Tier 2, Tier 3, or Tier 4 incentive, and shall be in addition to any Tier 2, Tier 3, or Tier 4 incentive adjustment up to the maximum allowable adjustment.

   a) For the permanent preservation of not less than forty (40%) percent of the gross land area of a parent parcel as Usable Open Space a thirty (30%) percent increase in the total number of dwelling units; or

   b) For the permanent preservation of not less than fifty (50%) percent of the gross land area of a parent parcel as Usable Open Space a forty (40%) percent increase in the total number of dwelling units.

2) Tier 2 Land Dedication Incentive. The calculation of the Tier 2 Incentive is based on the maximum density for a conventional subdivision or a multi-family development project prior to the addition of any Tier 1, Tier 3, or Tier 4 incentive, and shall be in addition to any Tier 1, Tier 3, or Tier 4 incentive adjustment up to the maximum allowable adjustment.

   a) For the dedication of not less than fifteen (15) contiguous acres of Usable Open Space land for public use for trails, active or passive recreation, or waterfront access, a fifty (50%) percent increase in the total number of dwelling units; or

   b) For the dedication of not less than ten (10) contiguous acres of Usable Open Space land for ball fields fully built and finished by the applicant, a fifty (50%) percent increase in the total number of dwelling units. A finished ball field shall include all grading of the relevant fields, necessary lineage and other specifications relevant to the respective sport, reasonable distances and measurements required for children or adult usage, such age usage to be determined in the discretion of the Town Board, and adequate fencing and other common amenities; or

      (i) At the discretion of the applicant, either of the public uses set forth in paragraphs "a" or "b" above may be dedicated and shall satisfy the requirements of a Tier 2 incentive, provided, that such dedication shall be by permanent easement or conveyance of land in-fee to the Town. Based upon the facts of the case, the Town Board shall also determine the impact of such easement or conveyance on any parkland or in-lieu of parkland fee thereof.

      (ii) The Town Board shall ensure that the lands dedicated for public use under the Tier 2 incentive are usable in fact for trails, active or passive recreation, or waterfront access and do not consist solely of wetlands, water bodies, steep slopes or other environmentally constrained lands not suitable for public use. The Town Board is solely vested with the jurisdiction to approve a Tier 2 incentive, and to accept a land dedication hereunder.

      (iii) Notwithstanding anything to the contrary hereunder, if an applicant proposes active recreation in the form of a ball field within 100 feet of one or more existing or proposed residential units under this Chapter, the applicant may, in its discretion, include a covenant and the Town Board shall agree that the Town will not construct lighting at the ball field, aside for minimal lighting for security purposes, which covenant shall run with the land in perpetuity.

3) Tier 3 Workforce Housing or Senior Housing Incentive. The calculation of the Tier 3

Incentive is based on the maximum density for a conventional subdivision or a multi-family development project prior to the addition of any Tier 1, Tier 2, or Tier 4 incentive, and shall be in addition to any Tier 1, Tier 2, or Tier 4 incentive adjustment up to the maximum allowable adjustment. The bonus density shall not exceed thirty (30%) percent regardless of the unit allocation.

a) If not less than ten (10%) percent of dwelling units qualify as affordable a fifteen (15%) percent increase in the total number of dwelling units; or

b) If not less than twenty (20%) percent of dwelling units qualify as affordable a thirty (30%) percent increase in the total number of dwelling units; or

c) If not less than ten (10%) percent of the dwelling units qualify as senior housing a fifteen (15%) percent increase in the total number of dwelling units; or

d) If not less than twenty (20%) percent of the dwelling units qualify as senior housing a thirty (30%) percent increase in the total number of dwelling units.

e) For the purposes of this subsection "affordable" shall mean:

   (i) For residential units available for purchase a sales price within the means of a household income which is eighty (80%) percent of the median income of the Town of Poughkeepsie as defined by the United States Department of Housing and Urban Development.

   (ii) For residential units available for rent a rental price within the means of a household income which is sixty (60%) percent of the median income of the Town of Poughkeepsie as defined by the United States Department of Housing and Urban Development.

f) For the purposes of this subsection, "Senior Housing" shall mean housing that may only be occupied by elderly families and their families as defined and described below. Notwithstanding the definition of "family" as defined in Article II of this Chapter, and for purposes of this article, an "elderly family" shall consist of:

   (i) A single person 55 years of age or older;

   (ii) Two or three persons, all of whom are 55 years of age or older;

   (iii) A married couple, the husband or wife of which is 55 years of age or older;

   (iv) One child residing with a parent who is 55 years of age or older, provided that said child is over the age of 18;

   (v) The surviving spouse of a person 55 years of age or older, provided that the surviving spouse was duly registered as a resident of the development at the time of the elderly person's death; or

   (vi) One adult 18 years of age or older residing with a person who is 55 years of age or older, provided that said adult is essential to the long-term care of the elderly person as certified by a physician duly licensed in New York State.

   (vii) A single person who is physically handicapped and between the ages of 18 and 55;

   (viii) A married couple, the husband or wife of which is physically handicapped and between the ages of 18 and 55;

   (ix) One child residing with a parent or grandparent who is physically handicapped and between the ages of 18 and 55, provided that the child is also 18 years of age or older;

   (x) The surviving spouse of a person who was physically handicapped and between the ages of 18 and 55, provided that the spouse was duly registered

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as a resident of the development at the time of the physically handicapped person's death; or

(xi) One adult 18 years of age or older residing with a person who is physically handicapped and between the ages of 18 and 55, provided that said adult is essential to the long-term care of the physically handicapped person as certified by a physician duly licensed in New York State.

4) Tier 4 Historic Preservation Incentive. The calculation of the Tier 4 Incentive is based on the maximum density for a conventional subdivision or a multi-family development project prior to the addition of any Tier 1, Tier 2, or Tier 3 incentive, and shall be in addition to any Tier 1, Tier 2, and Tier 3 incentive adjustment up to the maximum allowable adjustment.

a) For the rehabilitation and adaptive reuse of a structure listed on the state or federal list of Historic Places, or on the Town of Poughkeepsie list of designated local landmarks, twenty (20%) percent increase in the total number of dwelling units.

H) Procedure. The Town Board shall review and approve any incentive adjustment pursuant to this section.

1) Applications. An application for an incentive bonus shall be in writing and submitted to the Planning Board as part of an application for approval of a major subdivision plat, multi-family development or cluster subdivision. The application shall include a statement as to the estimated buildable yield of the proposed development parcel, a copy of an Environmental Assessment Form (EAF) or Draft Environmental Impact Statement (DEIS), a boundary and topographic survey accurately depicting existing site conditions, a proposed subdivision plat or site plan, and a grading plan. The application for an incentive bonus shall also contain an explanation and necessary drawings describing the proposed amenity(ies), include any covenants, grants of easement or other restrictions proposed to be imposed upon the use of the land, buildings or structures, and explain the requested incentive adjustment.

2) Fees. An application shall be accompanied by an application fee as set by the Town Board. All application fees are in addition to any required escrow fees, and do not cover the cost of environmental review by the Planning Board. If the Town Board or the Planning Board require professional review of the application for an incentive bonus by a private planning, engineering, legal or other consultants, or if they incur other extraordinary expense to review documents or conduct special studies in connection with the proposed application, reasonable fees shall be paid for by the applicant and an escrow deposit will be required.

3) Planning Board review and referral. The applicant shall submit its application for approval of a major subdivision plat, multi-family development or cluster subdivision, including the application for an incentive bonus, to the Planning Board. At the next regular meeting of the Planning Board at which the application is to be considered the Planning Board shall refer to the Town Board the application seeking an incentive bonus. The Planning Board shall also include a statement of its determination as to the buildable yield of the development parcel and the number of density units that may be constructed. The Planning Board shall continue its review of the application for approval of a major subdivision plat, multi-family development or cluster subdivision simultaneous with the Town's Board's review of the application for an incentive bonus all in accordance with Chapter 177 or Article VIII of this Chapter, as the case may be.

4) Town Board review. Upon receipt of an application for an incentive adjustment the Town Board shall notify the applicant of the place, date, and time of the meeting at which the application is to be considered. The Town Board shall review the application for the incentive bonus, and shall issue its decision within sixty-two (62) days of the date of referral. The Town Board's review shall be limited to a determination whether the

applicant has complied with the criteria set forth under paragraph "G" hereof. An applicant that meets the criteria set forth in paragraph "G" above shall be granted the additional incentive density.

5) Town Board Decision. Within thirty (30) days of the issuance of a Negative Declaration or Finding Statement under SEQRA, as the case may be, the Town Board shall make a final decision regarding the application for an incentive bonus, and shall approve the application to the extent that an applicant has satisfied one or more of the Tier 1, Tier 2, Tier 3 or Tier 4 incentive criteria established under this chapter, provided however, that adjustments to density shall not exceed the maximum allowable density requirements of this Chapter or Chapter 177. Prior to issuing its final decision regarding an application for an incentive bonus, the Town Board shall notify the applicant of the place, date and time of the meeting at which the application is to be considered.

6) In authorizing Workforce Housing or Senior Housing the Town Board shall require an agreement with the developer to ensure that the units will remain affordable as defined herein for a period of not less than twenty-five (25) years after the date of initial occupancy. In addition, the Town Board may require the developer to prepare and keep current a list for Workforce Housing or Senior Housing occupancy that may include preferences for municipal and emergency workers, town residents, and county residents.

I) Findings. Before approving an adjustment to the maximum allowable density requirements of this Chapter in exchange for one (1) or more of the identified benefits, the Town Board shall make the following specific findings:

1) That the major subdivision or multi-family development application provides one or more of the benefits identified under the Tier 1, Tier 2, Tier 3 or Tier 4 incentive.

2) That the proposed adjustments do not individually or collectively exceed the allowable density requirements of this Chapter.

3) That the units designated as "affordable housing" and "senior housing" shall remain as affordable housing or senior housing by an annual certification to the Board identifying the occupancy of the units by qualified persons and families, and that a failure to so certify may be deemed a violation of the Site Plan Approval granted by the Planning Board. The Town Board may grant one (1) or more waivers from this provision, not to exceed one (1) year each, upon written request and proof from the applicant that despite best efforts the applicant has been unable to locate persons or families qualified to occupy one (1) or more of the units designated as "affordable housing" or "senior housing".

4) That the units designated as "affordable housing" and "senior housing" shall remain affordable by an instrument approved by the Town Board Attorney that shall be filed in the Office of the Dutchess County Clerk.

5) That proper surety or performance guarantees between the applicant and the Town covering future title, dedication and provisions for the costs of land or improvements are or will be in existence as of the date the final plat map is signed by the Chairman of the Planning Board.

§ 210-77. Inns.

A) In any district where permitted Inns shall comply with the following provisions:

1) A minimum of three (3) acres is required.

2) The number of guest rooms shall not exceed 25.

3) Restaurant and conference uses shall be accessory to the overnight accommodations use.

4) The total gross square footage of floor space devoted to accessory restaurant and conference facility space shall not exceed forty (40%) percent of the total gross square

footage of the Inn.

5) No parking or loading area shall be located within fifty (50) feet to a property in residential use or to property located within a residential district.

6) The Dutchess County Department of Health shall certify that the water supply and the sewage treatment systems are adequate for the maximum occupancy, including overnight guests and restaurant guests.

7) The Inn shall prepare and maintain an emergency evacuation plan in accordance with Dutchess County Health Department and Town of Poughkeepsie regulations, as applicable.

8) Parking spaces shall be provided as follows:

   a) Overnight accommodations. Not less than one (1) parking space per guest room shall be provided.

   b) Restaurant. Not less than one (1) parking space for each three (3) seats, or one (1) for each seventy-five (75) square feet of gross floor area, whichever is greater.

   c) Conference facility. Not less than one (1) parking space for each seventy-five (75) feet of gross floor area.

   d) Employees. Not less than one (1) parking space for every three employees shall be provided.

§ 210-78. Kennels.

A) In any district where permitted, kennels shall comply with the following provisions:

1) The minimum area for a kennel shall be five acres.

2) Kennels shall be screened from adjacent streets and properties in accordance with §210-80, "Landscaping", as well as the conditions established in the site plan approval process.

3) There shall be no offensive odor, emitted by the use, discernible at the property line of the lot.

4) Any building housing animals shall be located at a distance of at least 200 feet from any residential district boundary. If soundproof construction is used, normal district setbacks and bulk regulations shall apply.

§ 210-79. Land contour changes.

A) Purpose. The purpose of these regulations is to protect the public health, safety and welfare by regulating landfilling, land contour changes, site preparation, construction activities and other land alterations not specifically excluded and not constituting soil mining or quarrying. Relative to this purpose, these regulations are intended to:

1) Control erosion and sedimentation to protect water bodies and prevent increased flood hazards.

2) Protect people and properties from slope instability, landslides and slumping.

3) Prevent land alterations which will adversely affect groundwater and surface waters.

4) Minimize on-site and off-site adverse impacts.

5) Provide for the reclamation and reuse of disturbed areas.

6) Prevent unnecessary destruction of trees, vegetation and other unique natural features.

7) Prevent unnecessary modification of natural topography or unique geological features.

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8) Preserve and protect the natural beauty of affected areas.

9) Preserve and protect the character of neighborhoods and areas within the Town.

10) Ensure that landfilling, land contour changes and other land alterations are consistent with the Master Plan of the Town of Poughkeepsie.

B) Land contour change, minor.

1) This section applies to land contour changes which:

a) Involve contour changes greater than two feet; and/or

b) Involve the movement of more than 50 but less than 300 cubic yards of material naturally occurring at the site.

2) Items in Subsection B(1) above shall be subject to the following regulations:

a) No land contour change as previously described shall take place without the issuance of a contour change permit by the Zoning Administrator.

b) The Zoning Administrator, upon written application, may authorize a change of land contours in excess of two feet, if said change does not involve more than 300 cubic yards of clay, loam, sand, gravel or other substances naturally occurring on the site. Such information and plans as are necessary to evaluate the application may be required. Such authorization shall have the prior approval of the Town Engineer.

c) Prior to the issuance of a land contour change permit, the Zoning Administrator shall require the applicant to submit a written document outlining the purpose, method and extent of the proposed land contour changes and may require the applicant to submit a grading plan and other data, reports or documents, as deemed necessary by the Town, to determine that the proposed land contour change:

3) Shall not adversely affect natural drainage or the structural safety of adjoining buildings or lands.

4) Shall not create any noxious or injurious condition or cause public hazard.

5) Is in conformance with purposes outlined previously in this section.

6) Does not constitute soil mining or quarrying as defined in the Excavations Law.

a) If upon inspection the Zoning Administrator finds that an excavation is not in conformance with the standards outlined in Subsection B(2)(c) above, the Zoning Administrator may require the premises to be immediately cleared of any rubbish or building materials, returned to its original contours, topsoil replaced and a ground cover adequate to prevent erosion established.

b) In any district, the Building Inspector and Town Engineer may authorize, with the issuance of a building permit, land contour changes in excess of two feet on no more than 80% of the site, if such changes are for grading related to the construction of a building or structure. In the event that construction of a building or structure is stopped prior to completion and the building permit is allowed to expire, the premises shall immediately be cleared of any rubbish or building materials and any excavation with the depth greater than two feet below existing grades shall immediately be returned to its original contours and the topsoil shall be replaced and ground cover shall be adequate to prevent erosion.

C) Land contour change, major.

1) A land contour change permit shall be obtained for all landfilling operations which:

a) Involve landfilling or removal of more than 300 cubic yards of fill; or

b) Cause the raising or lowering of grade more than two feet.

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c) Exceptions. A land contour change permit shall not be required for landfill activities that are undertaken in conjunction with a Town-approved development activity in which a valid building permit has been issued.

2) Written application requesting the land contour change permit shall be submitted to and subject to the approval of the Planning Board in accordance with the following provisions. Each application shall be accompanied by the following information:

a) A statement clearly detailing the nature and extent of such proposed operations, including the type and amount of material to be filled, regraded and removed, the manner in which it will be accomplished, the proposed hours of operation and a time schedule for the completion of the various stages of the operation.

b) Ten copies of a topographic survey, prepared by a licensed engineer or surveyor, showing:

3) The boundaries of the property where the landfill is proposed and the boundaries of the work area.

4) Existing contours in the area to be filled and proposed contours after completion of the work, which contours shall be prepared from an actual survey, shall be based on a bench mark noted and described on the map and shall be drawn to a scale of not less than 100 feet to the inch and with a contour interval not to exceed two feet.

5) Existing and proposed drainage on the premises.

6) Surrounding streets and property lines and names of property owners.

7) Principal wooded areas, rock outcrops, wetlands and watercourses.

8) Existing and proposed structures on the premises and surrounding properties.

9) Proposed truck access and routes to the landfill area.

a) A proposed plan for the control of erosion.

b) Such other professionally prepared maps, plans, boring tests, feasibility studies, physical, geological and hydrological studies and other engineering data as may be required by the Planning Board in order to determine and provide for the proper enforcement of these regulations.

10) The Planning Board may grant or renew a landfill permit for one year if it finds that the following conditions and requirements have been met:

a) The natural beauty of the Town or district shall not be impaired or affected.

b) The plan provides for proper drainage of the area both during and after the filling operation and will not adversely affect the structural safety of adjoining buildings or land.

c) No sharp declivities, pits, depressions or soil erosion problems will be created and no slope or bank will exceed one foot of vertical rise in two feet of horizontal distance or exceed whatever lesser slope is necessary to maintain stability under the particular soil conditions.

d) The proposed landfill will not impair the future use of the property in accordance with this Zoning Chapter, and the slopes and banks will not impair good development and safe use of the property after filling.

e) Proper provision will be made for the control of dust.

f) The natural beauty and function of water bodies, floodplains and wetlands shall not be impaired.

g) Either the top layer of arable soil for a depth of six inches shall be set aside and

retained on the premises or a substitute topsoil shall be spread over the filled area upon completion of the landfill in accordance with approved contour lines and seeded with a suitable cover crop.

h) Suitable fencing for enclosing the property in which the landfilling operation is located shall be provided if the Planning Board determines that such is required.

i) The proposed truck access will not create safety or traffic hazards.

j) Trucks and vehicles shall be operated so as not to spill material upon the roads and highways. All trucks shall be covered.

11) The landfill permit shall provide specifically which of the following materials may be used as fill in a particular landfill. Those items which may be authorized as fill are:

a) Large boulders and blasted rock which have been broken up to the extent that no voids will occur, or large boulders and blasted rock which have been mixed with other acceptable site material as set forth herein in the approximate proportion of 70% boulders and blasted rock to 30% acceptable site material.

b) Precast masonry, concrete sidewalk slabs and other concrete materials which have been thoroughly crushed before use and mixed with other acceptable site material as set forth herein in the approximate proportions of 70% concrete and masonry items to 30% acceptable site material.

c) Heavy soils such as dense clay and silt, provided that they will not block natural surface or subsurface drainage.

d) Organic soils and inorganic soils such as clay, loam, gravel and sand.

12) The applicant shall be required to furnish a performance bond in an amount determined by the Town Engineer to be sufficient to guarantee completion of the finished grading and drainage. Such bond shall be released only upon certification by the Town Engineer that all requirements, including the finished grading and drainage, have been complied with.

13) If at any time the Planning Board finds that the landfill is not being conducted or cannot be conducted in accordance with plans as approved, the Board shall notify the Zoning Administrator to order the applicant to cease operations and to stabilize the disturbed area.

14) Upon approval, one copy of the approved landfill plan shall be returned to the applicant by the Planning Department, together with the landfill permit.

§ 210-80. Landscaping.

A) Purpose. It is declared to be the purpose of the Town of Poughkeepsie to protect the health, safety and welfare of the residents and commercial interests of the community by ensuring that appropriate landscaping is installed in new developments. The Town finds that landscaping serves many important functions, including minimizing the risk of damage resulting from soil erosion, protecting water and air quality, the protection of property values by maintaining the aesthetic standards of the community and the preservation of the visual experience.

B) Required landscaping plan. Any application for approval of a site plan or special use permit shall be accompanied by a separate landscaping plan unless waived by the governing board. Said plan shall be submitted on sheets drawn at the same scale as the overall plan and show existing and proposed landscape elements.

C) All required landscaping shall be maintained for the life of the site.

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§ 210-81. Lighting.

A) General regulations.

1) No artificial lighting shall shine directly upon any neighboring residential property located in a residential district or be so established that it shall shine directly upon any residential property or shall shine directly on or into any room or rooms, porches or patios of any residential property, nor shall any artificial lighting be maintained or operated from any structure or land in such a manner as to be a nuisance or an annoyance to neighboring residential properties or as to interfere with the physical comfort of the occupants of residential properties.

2) Flashing sources of illumination are prohibited.

3) Lighting that moves or has moving parts is prohibited.

4) Strip lighting outlining commercial structures and used to attract attention to the non-residential use, and strings of light bulbs used in any connection with a non-residential use premises is prohibited unless fully shielded.

5) Vegetation screens should not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

6) Exterior lighting shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas, as determined by the Planning Board.

7) Security Lighting should use the lowest possible illumination to effectively allow surveillance.

8) Under canopy lighting for such uses as gasoline service stations shall be recessed so that the lens cover is fully recessed, or flush, with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to 85 degrees or less from vertical.

9) Luminaries used for playing fields and outdoor recreational uses shall be exempt from the height restriction provided all other provisions of this Article are met and such lighting is used only while the field is in use.

10) Awnings and canopies used for building accents over doors, windows, walkways, and the like, shall not be internally illuminated (i.e. not lit from underneath or behind).

11) Fixtures and lighting systems used for safety and security shall be in good working order and shall be maintained in a manner that serves the original design intent of the system.

B) General Guidelines.

1) Where practical, exterior lighting installations should include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed, to reduce overall energy consumption and eliminate unneeded lighting.

2) Exterior lighting installations should be designed to avoid harsh contrasts in lighting levels.

3) Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting.

4) Site lighting shall minimize light spill into the dark night sky.

C) Exterior Lighting Plan Review.

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1) An application for site plan approval shall include an exterior lighting plan depicting the number, location, mounting height, and type of proposed lighting fixture and level of illumination on the site and at the property lines. The exterior lighting plan shall include at least the following:

   a) Manufacturer specification sheets, cut-sheets or other manufacturer provided information indicating the specifications for all proposed lighting fixtures.

   b) The proposed location, mounting height, and aiming point of all exterior lighting fixtures.

   c) If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the luminance levels of the elevations, and the aiming point for any remote light fixture.

   d) Computer generated photometric grid showing foot-candle readings every ten (10) feet within the property or site, and ten (10) feet beyond the property lines. Iso-foot-candle contour line style plans are also acceptable.

2) Additional information may be requested following the initial lighting plan review,

D) Residential District Lighting.

1) Within a residential district, all new parking lot lighting and site lighting for developments, other than single family dwellings, shall be comply with the following:

   a) Illumination at the property line shall not exceed 0.1 foot candles.

   b) Luminaries shall be full cut-off type unless otherwise determined by the Planning Board.

   c) Outdoor light fixtures equipped with floodlights are prohibited.

   d) Wall pack outdoor light fixtures located on a front or side façade of a building or structure shall be full cutoff.

   e) Non-cutoff outdoor light fixtures shall be limited to walkways, outdoor seating areas or other areas approved for such fixtures as part of a development plan.

   f) Lights that may produce glare so as to cause illumination beyond the boundaries of the property on which it is located are prohibited.

   g) Freestanding lights shall be appropriate to the design of the structures and shall not exceed fifteen (15) feet in height. Wall mounted light fixtures shall not be mounted higher than twelve (12) feet above the ground level immediately below the location of the light fixture. Both freestanding and wall mounted fixtures shall be fitted with movable shields to allow for the re-direction of light to avoid glare and the splaying of light to off-site locations.

E) Centers, Hamlets, Business, and Commercial, district Lighting.

1) Within Centers, Hamlets, Business, and Commercial districts, all parking lot lighting and site lighting shall comply with the following:

   a) Illumination at the property line shall not exceed 0.2 foot candles.

   b) Luminaries shall be full cut-off, or semi cut-off as determined by the Planning Board.

   c) Freestanding lights shall be appropriate to the design of the structures and shall not exceed twenty (20) feet in height. Wall mounted light fixtures shall not be mounted higher than fifteen (15) feet above the ground level immediately below the location of the light fixture. Both freestanding and wall mounted fixtures shall be fitted with

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movable shields to allow for the re-direction of light to avoid glare and the splaying of light to off-site locations.

d) Wall pack outdoor light fixtures oriented toward an adjacent residential property or a residential district shall be full cutoff.

e) Non-cutoff outdoor light fixtures shall be limited to walkways, outdoor seating areas or other areas approved for such fixtures as part of a development plan.

f) For exterior lighting installations and fixtures within fifty (50) feet of a residential property or a residential district freestanding lighting fixtures shall be no higher than fifteen (15) feet above grade and shall be full cut-off.

g) All outdoor light fixtures on single use site, shopping center, integrated center, business park or industrial park, including those on free-standing light poles and those attached to buildings, security lights, and architectural lights, shall be of consistent or compatible style, pole height, mounting height, color, intensity, design and materials with other outdoor light fixtures within the lot, out lot, single use site, integrated center, business park or industrial park.

h) No artificial lighting shall shine directly upon any neighboring residential property or residential district, or be so established that it shall shine directly upon any residential property or shall shine directly on or into any room or rooms, porches or patios of any residential property, nor shall any artificial lighting be maintained or operated from any structure or land in such a manner as to be a nuisance or an annoyance to neighboring residential properties or as to interfere with the physical comfort of the occupants of residential properties.

F) Enforcement. To assure that site lighting does not adversely affect neighboring properties, the Zoning Administrator shall have the authority to require changes to the on-site lighting fixtures to minimize and eliminate glare and the splaying of light across property lines, and to ensure continuous compliance with this section. Such changes may include, but are not limited to, requiring the installation of lower wattage bulbs, the addition of shields to deflect light, and changes to the angle of the fixtures or shields. Failure to implement the changes as directed by the Zoning Administrator shall be a violation of this section, any permit or approval granted under this section.

§ 210-82. Marinas.

A) The following requirements and standards shall apply to new marina proposals, to projects for the expansion of existing marinas and to related use proposals, such as sale of marine supplies, services, fuel and equipment; boat yards; boat repairs; manufacture, assembly or repair of marine products such as boats, sails and hardware; charter boats and fishing guide operations; boat rentals; or annual membership clubs which are water-dependent:

1) All of the requirements listed in the specific zoning district.

2) Structures will be sited inland from the waterfront as much as possible, to increase open space along the waterfront and to minimize exposure to flooding and reduce runoff and non-point source water pollution.

3) In general, all new marina proposals or expansion of existing marinas shall, as appropriate, include sufficient parking, park-like surroundings, toilet facilities and marine pumpout facilities.

4) Marinas shall be located in areas where minimal physical attributes required by marinas already exist and where minimal initial and subsequent maintenance dredging will be required. Such physical attributes include natural depths at or exceeding minimal navigable depths, low rates of sediment transport and sufficient tidal action to promote flushing. Dredging shall be limited to the minimum dimensions necessary for the project.

Marinas shall not be permitted in areas that would require frequent maintenance dredging that would harm aquatic life or would prevent the relocation of benthic organisms. Such areas would include those which would require maintenance dredging more often than once every five years.

5) Applicants must demonstrate that there is an adequate water supply to serve all of the project's needs.

6) Sewage pumpout facilities shall be provided at new marinas and expansion of existing marinas at a minimum rate of one pumpout station for every 100 boats accommodated, or fraction thereof.

7) Adequate restroom facilities for property users will be required to discourage any overboard discharge of sewage from boats in order to protect water quality and to provide a development amenity. The number of toilets required for any given marina shall be determined by the nature and size of the marina and by its specific site locations.

8) The applicant must demonstrate adequate capacity to properly dispose of or treat all sanitary wastes generated by the project.

9) An ample number of signs must be provided to identify the location of public restrooms and of pumpout facilities. Signs must also fully explain the procedures and rules governing the use of the pumpout facilities.

10) Trash receptacles shall be plentiful and convenient to encourage the proper disposal of trash and waste. A maximum spacing of 100 feet between receptacles shall be maintained on all piers and docks.

§ 210-83. Mobile home park district.

A) Mobile homes shall be located within mobile home parks and mobile home subdivisions within Mobile Home Districts.

B) Mobile home parks are permitted by special use permit from the Zoning Board of Appeals in Residence, Mobile Home Districts subject to the following regulations:

1) Park size and capacity. Each mobile home park shall have a minimum area of 175,000 square feet and shall contain no more than one mobile home for each 6,000 square feet of gross area, excluding land used for access roads, recreation, service facilities and screen planting.

2) Size of lots. No mobile home lot shall be less than 6,000 square feet, nor shall any lot have less than 60 feet of frontage on an access road.

3) Clearances. Each mobile home shall be located on the lot with the following minimum clearances: sides: 10 feet from side lot lines; ends: 40 feet from rear lot lines, 25 feet from access roads; exterior lot lines: 30 feet. In computing these clearances, auxiliary rooms, porches and similar accessories connected to or associated with the mobile home shall be considered as part of the mobile home. Tool sheds of less than 100 square feet with sides of less than six feet in height are not subject to these clearance requirements. In the case of single-wide mobile homes, the front, rear and side yard setbacks shall be 10 feet from the property line.

4) Automobile parking. There shall be at least two off-road parking spaces for each mobile home within the mobile home lot.

5) Parking bay. Each off-road parking space shall be at least nine feet wide and at least 18 feet long.

6) Recreation area. A minimum of 10% of the total park area shall be set aside and used for open space or recreational area for the park. Such land shall be suitable for such use and

shall be maintained by the owner of the park in a neat and usable condition for the residents of the mobile home park. Setbacks from streets and property lines required in Subsection B(3) above shall not be deemed to be a part of the required recreation or open space areas.

7) Screening and landscaping. Each mobile home park shall have a landscaped area at least 20 feet wide along exterior lot lines and public roads, suitably planted and maintained to provide visual screening from adjacent properties. The Planning Board may also require a fence for additional screening if appropriate. At the option of the Planning Board, existing vegetation can be used in lieu of screening requirements.

8) Internal road system. Mobile home parks shall have an internal road system capable of meeting the needs of public safety and welfare, as determined by the Planning Board, which may require two or more access points for the purpose of emergency service. Two or more access points are mandatory for applications of 50 or more lots.

9) Underground utilities. All utilities shall be placed underground.

10) Street signs and numbering. All internal roads will be adequately marked with signs to facilitate the provision of emergency services. Each unit must be separately numbered for convenient identification.

11) Skirting. All mobile home units must be fully skirted within 30 days of their placement on site.

12) Standards. All replacement mobile home units must have been built after June 15, 1976, and in conformance with the Federal Mobile Home Construction and Safety Standards.

C) Additional provisions. Each mobile home park shall provide sanitary conveniences, service and utilities, including water supply, sewage disposal and garbage disposal, commensurate with the following:

1) Water supply. Connection to municipal water supply is required.

2) Sewage disposal. Connection to municipal sewer is required.

3) Refuse disposal.

a) Adequate refuse receptacles with covers shall be provided for each mobile home.

b) These receptacles shall be kept in sanitary condition and emptied at least weekly.

c) Central refuse receptacles may be required by the Planning Board. These receptacles shall be screened and designed in a manner that facilitates control of odor.

4) Mailboxes. Mail delivery will be made to a central location in an enclosed structure of a consistent style and color.

5) Maintenance.

a) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will be a menace to the health of any occupant or the public or constitute a nuisance.

b) All required improvements, including landscaping and screening, shall be maintained.

6) Snow removal. Internal drives shall be kept free of snow by the park owner or homeowners' association.

§ 210-84. Mobile home park subdivisions.

A) Mobile home park subdivisions are allowed in R-MH Residence, Mobile Home Districts subject to the requirements of §210-83, Mobile home parks. In addition, the Planning Board

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must ensure that adequate provision has been made for the proper operation and maintenance of common facilities and areas, including the road system.

§ 210-85. Mobile home and modular home sales and service.

A) All mobile home and modular home sales and service establishments shall be subject to the following standards:

1) The storage or display of mobile homes and modular homes shall not be permitted in any required yard or within 20 feet of a residence district boundary.

2) Each mobile home and modular home sales establishment shall have a landscaped area at least 20 feet wide along side and rear lot lines suitably planted and maintained to provide a visual screen from adjacent properties. At the discretion of the Planning Board, existing mature screening may be substituted for plantings.

3) Sales area shall be paved with an asphaltic, cement or crushed stone material. Drainage shall be directed away from adjacent properties and public streets.

4) Parking and additional landscaping shall be provided in accordance with §210-92 and §210-80.

§ 210-86. Motor vehicle accessory sales.

A) All motor vehicle accessory sales and service establishments shall be subject to the following standards:

1) All vehicle parts, new or discarded, and similar articles shall be stored within a building or screened from view.

2) Insofar as possible, all repair and service work shall be performed indoors.

3) Premises shall not be used for the display or sale of automobiles, trailers, mobile homes, motor homes, boats and other vehicles.

4) The storage of vehicles or equipment shall not be permitted within 20 feet of a residence district boundary or in any required yard, landscaped or buffered area.

5) No inoperative vehicle shall be stored on the premises for more than 90 days.

6) Minimum parking spaces required: two spaces per service bay (service bay is not a parking space), plus 3.3 spaces for every 1,000 square feet of gross floor area.

§ 210-87. Motor vehicle repair facility.

A) All motor vehicle repair establishments shall be subject to the following standards:

1) All vehicle parts, dismantled vehicles and similar articles shall be stored within a building or screened from view.

2) Insofar as possible, all repair work shall be performed indoors.

3) The storage of vehicles or equipment shall not be permitted within 20 feet of a residence district boundary or in any required yard, landscaped or buffered area.

4) No inoperative vehicle shall be stored on the premises for more than 90 days.

§ 210-88. Motor vehicle rentals.

A) All motor vehicle rental establishments shall be subject to the following standards:

1) The storage of vehicles or equipment shall not be permitted within 20 feet of a residence

district boundary or in any required yard, landscaped or buffered area.

2) Insofar as possible, all repair and service work shall be accomplished indoors.

3) All automobile parts, dismantled vehicles and similar articles shall be stored within a building or screened from view.

4) The outdoor storage of disabled vehicles is prohibited.

§ 210-89. Motor vehicle sales and service.

A) All motor vehicle sales and service establishments shall be subject to the following standards:

1) The storage of vehicles or equipment shall not be permitted within 20 feet of a residential district boundary or in any required yard, landscaped or buffer area.

2) Insofar as possible, all repair and service work shall be accomplished indoors.

3) All automobile parts, dismantled vehicles and similar articles shall be stored within a building or screened from view.

4) Each vehicle for sale is permitted one sign per vehicle with a maximum area of one square foot; this sign shall be displayed from inside the vehicle. Such vehicles shall have no other advertising or devices to attract attention.

§ 210-90. Motor vehicle service facility.

A) In any district where permitted, motor vehicle service facilities shall be subject to the following regulations:

1) There shall be a minimum lot area of 30,000 square feet unless the district regulations require a larger lot area. There shall be minimum road frontage of 200 feet unless the district regulations require a larger road frontage.

2) All bulk petroleum products or similar substances shall be stored underground, and all applicable rules governing the storage of underground petroleum tanks shall apply.

3) No inoperative or partially dismantled automobile shall be stored on the premises for more than 90 days. All such vehicles shall be screened from view.

4) Off-street parking and storage of automobiles shall be in accordance with §210-92.

5) A hedge, fence or wall adequate for year-round screening of the service station shall be installed along any residential property line and shall be of design, location and material approved by the Planning Board.

6) If a carwash is involved, the following restrictions shall apply:

a) Lot size for automobile washing facilities shall be a minimum of two acres, and such lot shall have street frontage of at least 200 feet.

b) All washing and machine-drying operations shall be conducted within a structure.

c) The building exit for automobiles that have completed the washing and machine-drying process shall be set back a minimum of 50 feet from the nearest point of any street line.

d) No washing, vacuuming, steam-cleaning, waxing, polishing nor machine-drying operation, nor building within which such operations are conducted, shall be permitted within 100 feet of a residential building located in a residence district.

e) All lot lines abutting residentially zoned or used property shall be screened by means of a solid masonry wall, opaque fence or evergreen hedge of a design acceptable to the

Planning Board. Such screen shall not be less than six feet nor more than eight feet in height and shall be maintained in good condition throughout the life of the use.

f) All entrance and exit lanes and parking areas shall be surfaced with an asphaltic or portland cement pavement so as to provide a durable and dustless surface and shall be so graded and drained as to dispose of all drainage water therein in a manner that does not adversely impact adjacent properties, uses and abutting roadways.

g) Entrance and exit drives:

(i) The principal driveway entrance shall be located at least 200 feet from the nearest intersection of public streets.

(ii) Exit drives for new facilities shall be designed to avoid the accumulation of water on the surface normally traversed by exiting vehicles. The exit drive shall have a minimum length of 150 feet located past the wash facility structure and incorporate speed bumps designed to shake the vehicle sufficiently to remove as much wash water as possible prior to the vehicle's exiting the site.

h) Any lighting used shall be so arranged as to reflect the light away from adjoining premises in a residential use and abutting roadways.

i) All operations shall be conducted completely within the lot lines of the property.

j) Parking and stacking space. One parking space shall be provided for every three employees. In addition, off-street stacking spaces shall be provided for waiting vehicles in accordance with the requirements set forth below. Each single stacking space shall be 20 feet in length and 10 feet in width. Where a vehicle washing facility use is combined with a gasoline filling station use, fueling positions shall not be included as off-street stacking space. Stacking space requirements shall be as follows:

(i) Conveyor, tunnel or rollover-type car wash: eight stacking spaces per wash bay.

(ii) Wand-type coin-operated self-service car wash, five bays or fewer: five spaces per wash bay.

(iii) Wand-type coin-operated self-service car wash, six to nine bays: four spaces per wash bay.

(iv) Wand-type coin-operated self-service car wash, 10 or more bays: three spaces per wash bay.

k) Wastewater disposal.

(i) All wastewater generated by the vehicle washing facility shall be disposed of properly. The design and capacity of any septic system servicing such a facility shall be approved in advance by the governmental agencies having jurisdiction over such systems. If a municipality sewer system is used for wastewater disposal, the facility shall obtain the permission and approval of the operators of the system in advance of discharging any wastewater into the system.

(ii) No vehicle washing facility shall be permitted to discharge any watery residue from the washing operation into any stormwater drainage collection system which could contaminate public water supplies.

(iii) No vehicle washing facility shall be operated within a distance of 100 feet of any designated wetland areas.

l) Water reclamation. All facilities shall have a water reclamation system, including a holding tank with an audio/visual alarm system to warn operating personnel of high

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level conditions.

m) If a car wash is combined with or added to any other motor vehicle service facilities, a special use permit is required for such car wash.

n) The provisions herein made shall not be affected in the event that any portion of the within legislation is declared void, invalid, unenforceable or unconstitutional.

§ 210-90A. Multi-family development.

A) Notwithstanding any other provision to the contrary the formula set forth in § 177-15 of Chapter 177 shall be used to determine the maximum number of Density Units (i.e. units per acre or "DU") within a multi-family development that is subject to site plan or special permit approval.

§ 210-91. Nursing homes and alternate care housing.

A) Purpose. It is the purpose of this section to encourage the development of well-designed nursing and alternative care housing for the elderly (55 years of age or older). It has been determined that the physical integration of nursing care facilities along major highways in residential areas will provide a more coherent land use pattern, thereby preserving property values. Limiting these facilities to large parcels of property will maintain the visual and aesthetic environment. Further, a properly planned nursing or alternative care housing home will provide area residents with employment opportunities.

B) Requirements. An application for a nursing home and/or other alternative care housing for the elderly (55 years of age or older) shall be subject to the following regulations:

1) Minimum area shall be 10 acres.

2) No site improvements shall take place within 50 feet of any adjoining residential property (parking, lighting, etc.).

3) there shall be a fifty-foot landscaping area along the entire highway frontage, except for necessary drives and sidewalks.

4) At least 1/3 of the gross acreage shall be composed of land which is used for recreational purposes and/or preserved as open space.

5) All alternative care housing and/or nursing homes shall be subject to site plan approval.

6) Alternative care housing and/or nursing homes shall provide a minimum of two parking spaces for each five beds.

7) The maximum number of beds per acre shall not exceed 12.

8) No alternative care housing or nursing homes shall be approved unless connection is made to municipal water and municipal sewer services.

9) No building shall exceed two stories or 35 feet in height.

10) Maximum building coverage shall not exceed 10% of total acreage.

11) No building shall be constructed within 100 feet of any property line.

§ 210-92. Off-street parking and loading.

A) The intent and purpose of these regulations is to provide all structures and land uses within the Town with adequate off-street parking and loading facilities to meet the needs of people employed at or making use of these structures and land uses; further, to ensure that parking facilities are developed and maintained in harmony with the Town character and environment.

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B) Structures and land uses in existence or for which building permits have been approved at the time of adoption of these regulations shall not be subject to the parking or loading space requirements of this section, provided that any parking and loading facilities existing to serve such structures or uses shall not, with the exceptions hereinafter provided, in the future be reduced unless they exceed the requirements of this section.

C) Any change in use or site plan revision of an existing lot or structure shall require a complete review of parking facilities by the Planning Board. Applicants for change of use or site plan revision shall provide or make provisions for adequate parking facilities according to the standards of this section.

D) Required parking and loading facilities for the existing uses shall be provided at the time of any enlargement of such existing structures or uses. Parking and loading facilities for such enlargements shall comply with all provisions of these regulations. When a change of use of a building or structure takes place, the new use must meet the applicable off-street parking and loading standards before a certificate of occupancy is issued.

E) Required off-street parking facilities which, after development, are dedicated to and accepted by the Town shall be deemed to continue to serve the uses or structures for which they were originally provided.

F) Where two or more different uses occur on a single lot, the total amount of parking to be provided shall be the sum of the requirements for each individual use.

G) The required off-street parking facilities shall be provided on the same lot or premises with the structure or land use they serve, except:

   1) Off-street parking and loading spaces required for structures or land uses on two or more adjacent lots may be provided in a single common facility on one or more of said lots, provided that the total amount of parking and loading facilities shall be the sum of the requirements of each individual use.

H) Unobstructed access to and from a street, so designed as to not require the backing of any vehicle across a sidewalk or a traffic lane, shall be provided for all parking and loading spaces. Such access driveway width shall be consistent with the aisle width of the required parking. In general, such driveways shall be at least 26 feet in width, except where the Planning Board determines that a lesser width is sufficient.

I) In order to provide maximum efficiency, minimize curb cuts and encourage safe and convenient traffic circulation, the Planning Board may require the interconnection of parking areas, now or in the future, via access drives, service roads or pedestrian accessways within and between adjacent lots. The Board shall require written assurance and/or deed restrictions, satisfactory to the Town Attorney, binding the owner and its heirs and assignees to permit and maintain such internal access and circulation and interuse of parking facilities.

J) The maximum slope within a parking area shall not exceed 5%.

K) Each parking space shall be at least nine feet wide and 18 feet long if unenclosed and at least 10 feet wide and 18 feet long if bordered by walls or columns on one or more sides. Each parking space shall be clearly delineated and so maintained.

L) Backup and maneuvering aisles between rows of parking spaces shall be at least 26 feet wide, except for angled parking which shall be developed to standards meeting the Planning Board's approval.

M) Within parking lots in nonresidential districts where at least 50 parking spaces are provided for the sole use of employees who use such spaces on a non-transient basis (car parked at least three hours in the same space), up to 25% of these parking spaces may, with the approval of the Zoning Board of Appeals, be designed and reserved for compact cars. Such spaces shall be at least eight feet wide and 15 feet long, shall be grouped in one location on

the lot and shall be clearly marked as being reserved for compact cars only.

N) Required off-street parking facilities shall be maintained as long as the use or structure which the facilities are designed to serve is in existence.

O) Minimum off-street parking requirements are as follows (the most restrictive requirements shall apply):

1) Specific zones:

Zone	Required Spaces
All Residential districts	2 per dwelling unit
All Center and Hamlet districts	4 for each 2,000 square feet of building area for a non-residential use; 1.5 for each residential unit.
B-H	4 for each 1,000 square feet of building area
B-N	4 for each 1,000 square feet of building area
B-SC	4.5 for each 1,000 square feet of gross leasable floor area
O-R	2.5 for each 1,000 square feet of building area
I-H	1.5 for each 1,000 square feet of building area
I-L	1.5 for each 1,000 square feet of building area
Q	Subject to ZBA determination

2) Single use or special use permit parking requirements for all zones:

Uses	Minimum Required Off-Street Parking Spaces
Bank or credit union	5 for each 1,000 square feet of building area
Bar	10 for each 1,000 square feet of building area
Bed-and-breakfast	2 spaces, plus 1 per guest room
Bowling center	4.5 for each bowling lane
Club, health and fitness	2 for each 1,000 square feet of gross floor area
Customary home occupation	Subject to ZBA determination
Fast-food restaurant	10 for each 1,000 square feet of building area
Funeral home	l for each 1,000 square feet of building area, subject to ZBA determination
Hospital	1.5 for each patient bed
Hotel/motel	1.2 for each room where hotel/motel has a restaurant or lounge; 1 where hotel/motel does not have a restaurant or lounge
Library	2 for each 1,000 square feet of gross floor area
Manufacturing	2 for each 1,000 square feet of building area
Nursing and convalescent homes	1 for each 3 rooms
Office/office park	3 for each 1,000 square feet of building area
Research and development laboratories	1.5 spaces for each 1,000 square feet of building area

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P) Off-street loading and unloading facilities. All loading and unloading shall take place entirely on the lot, subject to site plan approval by the Planning Board.

Q) Off-street parking in residential zones. Parking spaces, whether open or enclosed, shall be restricted to the parking of private passenger vehicles and commercial vehicles subject to the following:

1) Parking or storage of motor vehicles in the front yard of any property located in a residential district is prohibited, unless said front yard is cross by a duly constructed driveway extending through the front yard to a garage, carport, or properly surfaced parking area located beyond the front yard line. For uses requiring four (4) or fewer parking spaces said driveway shall not be less than eight (8) feet nor more than fifteen (15) feet in width.

2) Commercial vehicles allowed to park in residential zones as of right shall conform to all of the following:

a) A gross vehicle weight of 6,500 pounds or less as indicated on a valid state vehicle registration form.

b) A maximum height from the ground to the highest point of the vehicle of 6 ½ feet or less.

c) Shall not have signs, pictures or illustrations attached to and extending upward, downward or outward from any part of the vehicle.

d) Any advertising or commercial lettering or writing, in whatever form, shall be limited to the two front doors of the vehicle.

e) The vehicle cannot be a nuisance nor detrimental to the health, welfare or safety of the community. The applicability of this provision shall be determined by the Zoning Board of Appeals.

3) The Zoning Board of Appeals may issue a special use permit for the parking of one commercial vehicle not permitted as of right in Subsection P(1), provided that:

a) The vehicle will only be parked in the residential district during nonbusiness hours.

b) The vehicle will not generate more than two trips per day to and from the residential lot except if the vehicle is being used in connection with a permitted home occupation.

c) The vehicle will not create a nuisance nor be a threat to the health, safety and welfare of the community.

4) Any commercial vehicle not meeting the standards as being able to park as of right or by special use permit is prohibited from parking in residential zones.

5) All commercial vehicles permitted to park either by right or by special use permit when feasible shall be parked behind the front building line of the owner's house.

6) Only one commercial vehicle will be allowed to park at each house.

R) If the Planning Board finds that compliance with the off-street parking requirements herein would have an adverse impact upon the physical environment or visual character of the area, and if the Board also finds that all of the parking otherwise required as set forth above will not be necessary for the anticipated use of the site, the Planning Board may reduce the amount of parking required to be constructed, provided that sufficient usable land is set aside to satisfy the parking requirements in the future should the need for such additional parking arise. The Planning Board shall, as a condition of any approval granted, retain the right to require the owner of the property to construct such additional parking whenever it finds that such parking is needed. If a proposed use is not listed in schedule of off-street parking above the Planning Board shall use its discretion to determine the amount of

parking to be required.

§ 210-93. Parkland reservation and fees.

A) General provisions.

1) In reviewing residential site plans, residential subdivisions, and mixed use residential and non-residential developments, the Planning Board shall ensure that the park and recreation demands generated by new residential development are addressed in accordance with the provisions of this section.

2) To the extent that this section is inconsistent with Town Law §274-a(6) or §277(4) any other provision of Article 16 of the Town Law, the provisions of this Chapter are expressly intended to and do hereby supersede any such inconsistent provisions.

B) Reservation of land for public park, playground or recreation purpose.

1) Land reservation requirement.

a) Residential developments requiring site plan or subdivision approval. Where the Planning Board determines that suitable land for a park, playground or other recreational purpose exists within the parcel boundaries of a proposed residential development, the Planning Board may require as a condition of site plan or subdivision approval that a portion of the development parcel be reserved for such purpose.

2) In determining whether or not to require the reservation of land for public park, playground or other recreational purpose, the Planning Board shall be guided by the criteria and procedures set forth below.

C) Amount of land reservation. Where the Planning Board has determined that a suitable case exists to require the reservation of parkland for recreation purposes, the Planning Board shall determine the minimum amount of land area to be reserved for park, playground or other recreational purposes within a proposed residential or mixed use development. In making such a determination the Planning Board shall be guided by the following schedule. The Planning Board is authorized to use its discretion to adjust the amount of land reserved for parkland based on site conditions, the Board's assessment of demand for recreation land, and the availability of alternative recreation facilities:

Unit Type	Amount of Land to be Reserved (square feet per dwelling unit)
(a) Single-family dwelling	1,000
(b) Two-family dwelling	1,500
(c) Multifamily dwelling	900

D) Criteria for land reservation. In determining whether or not to require the reservation of land for public park, playground or recreational purposes, the Planning Board, in its review of residential site plans or subdivisions shall consider the following factors:

1) Whether suitable land exists within the parcel boundaries of the proposed development, in terms of its size, shape, and dimensions, to reasonably accommodate a park, playground or other recreation use;

2) Whether the characteristics of the land in terms of topography, soils, vegetative cover, hydrology and/or other natural features readily lend themselves to development of the site for active recreation use;

3) Whether there are state or federal regulatory restrictions that would limit the usefulness of the site for active recreation development;

4) Whether the site, in terms of its physical characteristics, would provide an attractive and safe area for recreational use;

5) Whether the site is located such that reasonable and safe pedestrian, bicycle and vehicular access can be provided between the site and surrounding residential areas;

6) Whether the character of the proposed residential development and that of the surrounding area are compatible with a public park and/or recreational use;

7) Whether the anticipated population of the proposed residential development, together with the population density of surrounding neighborhoods, is sufficient to justify development and long-term maintenance of a park, playground or other recreation facility at the location;

8) Whether the site is located near or duplicates recreation facilities already provided in the area, particularly those providing the same type of recreation opportunities, including facilities located on public school grounds;

9) Whether development and long-term maintenance of the site would place an undue burden on the Town Parks and Recreation Department, given other commitments and priorities of that Department;

10) Whether the site contains any unique and significant physical, aesthetic or ecological features that would make it particularly suited for environmental education, trail development, a nature preserve, or other passive recreation use;

11) Whether reservation of the land is consistent with recommendations contained in the Town Plan and/or the Master Plan for Parks and Recreation in the Town of Poughkeepsie, if any, in effect at the time the development application is made; and

12) Whether reservation of the land is consistent with the general goals and objectives of the Town Parks and Recreation Department, and the Town Board, with respect to parks and recreation facility development.

E) Referral required. Prior to making any final determination that land within a proposed residential development will be reserved for park, playground or other recreational purpose the Planning Board shall first refer the proposal to the Town Board and to the Town Department of Parks and Recreation for review and recommendation. If no response is received by the Planning Board within 30 days of the date of referral the Planning Board may make a final determination. A referral is not necessary where the Planning Board makes a determination that it will not require the reservation of land within the residential development.

F) Findings required. Prior to making any final determination that land will be reserved for public park, playground or other recreational purpose, the Planning Board shall make a finding, in accordance with §274-a(6) or §277(4) of the New York State Town Law, that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. The finding shall include an analysis of the criteria of subsections D.1 through D.12 above.

G) Timing of land reservation. The reservation of park, playground or recreation land shall occur prior to the issuance of the first building permit for any dwelling unit located within the approved residential development.

H) Satisfaction of land reservation requirement. The land reservation requirement of this section shall be satisfied by:

1) The presentation to the Town of a metes and bounds description of the site that is proposed to be reserved for public park, playground or recreation purposes; and

2) The placing of a notation upon the approved plan indicating that the land is so reserved and cannot be further subdivided or built upon except for such purposes; and

3) The placing of deed restrictions upon the site. Said deed restrictions shall be in a manner and form acceptable to the Town Attorney and shall indicate that the land is reserved for park, playground or recreational purposes, and cannot be further subdivided or built upon except for such purposes. Said deed restrictions shall be filed in the office of the County Clerk, and upon their filing the land so reserved shall become part of the Official Map of the Town of Poughkeepsie.

I) Fee in lieu of park, playground or recreational land.

1) Fee in lieu of land reservation. Where the Planning Board does not require the reservation of land for a public park, playground or other recreational purpose, the Planning Board may instead require that a fee in lieu of said land be paid to the Town as a condition of project approval.

2) Amount of fee. The fee in lieu of land reservation shall be in an amount set by the Town Board.

3) Findings required. Prior to requiring the payment of a fee in lieu of the reservation of land, the Planning Board shall make a finding, in accordance with §274-a(6) or §277(4) of the New York State Town Law that the proposed residential development presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such site plan or subdivision.

4) Timing of fee payment. Payment of the fee shall be made to the Town prior to the time the subdivision plat is signed by the Chairman of the Planning Board.

5) Fees to constitute separate trust fund. All fees collected pursuant to this section shall be placed in a separate trust fund(s) to be established and used by the Town exclusively for the acquisition of public park, playground or recreation land, and/or the improvement of public park and recreation facilities.

§ 210-94. Performance standards.

A) The intent of the following performance standards is to prohibit any activity or use in any district which is obnoxious, offensive or hazardous by reason of vibration, airborne matter, odor, toxic waste, radiation, electromagnetic interference, fire, explosion, heat, liquid wastes and vehicular traffic.

B) Vibration.

1) Method of measurement. For the purpose of measuring vibration, a three-component measuring system approved by the Town Engineer shall be employed.

2) Maximum permitted steady-state and impact vibration displacement. No activity shall cause or create a steady-state or impact vibration on any lot line with a vibration displacement by frequency bands in excess of that indicated in the following table:

	Vibration Displacement (in.)	
Frequency (cycles per second)	**Steady-State**	**Impact**
Under 10	.0005	.0010
10 to 19	.0004	.0008
20 to 29	.0003	.0006
30 to 39	.0002	.0004
40 and over	.0001	.0002

C) Toxic or noxious matter. No use shall be permitted which will cause any dissemination whatsoever of toxic or noxious matter off the property on which the use is conducted.

D) Fire and explosive hazard. No storage or manufacture of explosives or solid material or solid products which burn actively or which have a low ignition temperature, a high rate of burning or create great heat under ordinary temperature conditions shall be permitted. This shall not apply to the normal storage of wood or charcoal.

E) Heat. There shall be no emission of heat which would cause a temperature increase in excess of five degrees Fahrenheit along any adjoining lot line, whether such change is in the air, in the ground or in any watercourse or water body.

F) Liquid or solid wastes. The discharge of any or all wastes shall be permitted only if in complete accordance with all standards, laws and regulations of the Dutchess County Department of Health, New York State Department of Environmental Conservation or any other regulatory agency having jurisdiction. Facilities for the storage of solid waste shall be so located and designed as to be screened from the street or from any adjoining property and so as to discourage the breeding of rodents or insects.

G) Vehicular traffic. No nonresidential use shall be permitted where it is determined by the Town that the type and number of vehicle trips the use is estimated to generate would be expected to produce unusual traffic hazards or congestion or cause or induce emission which would interfere with the maintenance of air quality standards established by the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or other regulatory agency having jurisdiction. Such hazards would result from the design or capacity of the state or local highway system, the relationship of such proposed use to surrounding or nearby industrial, commercial or residential uses or other factors affecting air pollution arising from mobile source activity.

H) Prohibited uses. In any district, no manufacturing use, nor any trade, industry, use or purpose that does not conform to the performance standards stated herein or is otherwise noxious or offensive by reason of the emission of odor, dust, smoke, toxic or noxious fumes, radiation, gas, noise, vibration or excessive light, or any combination of the above, which is dangerous and prejudicial to the public health, safety and general welfare, shall be permitted, and this includes more specifically, but is not limited to, the following such uses:

Acetylene gas manufacture for commercial purposes
Ammonia, chlorine or bleaching powder manufacture
Arsenal
Asphalt manufacture or refining
Blast furnace, not including cupola or converter furnaces used in foundries in which no wood is used as fuel
Boiler shops, structural steel fabricating shops, metal working shops, which operate reciprocating hammers or chisels or other noise-producing electric or pneumatic tools within 100 feet of any boundary line of the premises and outside of any masonry buildings
Brewing or distilling of liquors
Bronze and aluminum powder manufacture
Carbon, lampblack, shoe blacking, graphite or stove polish manufacture
Celluloid and other cellulose products manufacture
Cement manufacture
Coal tar products manufacture
Creosote treatment or manufacture
Disinfectant and insecticide manufacture
Distillation of coal, wood or bones
Dump, unless operated or controlled by the municipality
Excelsior and fiber manufacture
Explosives, fireworks or match manufacture, assembling or storage in bulk, except the manufacture, assembling and storage in bulk of safety matches in book form
Fat rendering
Fertilizer manufacture or potash refining
Fish smoking or curing
Glue, size or gelatin manufacture or processing involving recovery from fish or animal offal
Incinerator, unless operated by the municipality
Lime, gypsum, cement, plaster or plaster of paris manufacture, except the mixing of plaster
Linoleum or oil cloth manufacture
Ore reduction or the smelting of iron, copper, tin, zinc or lead
Paint, oil, varnish, turpentine, shellac or enamel manufacture, except the mixing of wet paints

Perfume and extract manufacture
Petroleum refining
Poisons manufacture: fumigates, carbon disulphide, hydrocyanic acid, stomach poisons, arsenate of lead, arsenate of calcium, hellebore and paris green, contact insecticides, lime, sulphur, nicotine, kerosene emulsions
Printing ink manufacture
Radium extraction
Storage, coloring, curing, dressing or tanning of raw or green salted hides or skins
Storage of radioactive materials
Rubber caoutchouc or gutta-percha manufacture from crude or scrap material, except in connection with a rubber products manufacture plant
Salt works
Sand paper and emery cloth manufacture
Slaughtering of animals, except for immediate consumption on premises or immediate retail sale
Soap, soda ash or washing compound manufacture, except products not containing caustic soda
Starch, glucose or dextrine manufacture
Stockyards
Sulphurous, sulphuric, nitric, picric or hydrochloric acid or other corrosive or offensive acid manufacture or their use or storage except on a limited scale as accessory to a permitted industry
Tallow, grease, lard or candle manufacture or refining
Tar distillation or the manufacture of aniline dyes
Tar roofing or waterproofing manufacture, except where the tar or asphalt is treated at a temperature under 100° F.
Tobacco processing, exclusive of cigar or cigarette manufacture
Vinegar, pickle or sauerkraut manufacture in bulk
Wool pulling or scouring, except in connection with a woolen mill
Yeast manufacture

§ 210-95. Places of religious worship.

A) Purpose. It is the purpose of this section to permit places of religious worship in the light industrial zone, the commercial and business zones and to ensure that they are compatible with the area where they are located.

B) Requirements.

1) One parking space shall be provided for every four seats.

2) Exterior lighting shall be installed as directed by the Planning Board.

3) No amplifiers or loudspeakers of any type shall be installed outside the building.

4) The steeple height shall not exceed 50 feet above the height of the building structure.

5) The building shall be set back from any residential parcel or district a distance equal to one and one-half (1 ½) times the total steeple height.

6) Site plan approval shall be required.

§ 210-96. Public utility structures.

A) Public utility structures shall not contain offices or have any outdoor storage of materials. All such structures shall be subject to conditions as the Planning Board may impose to preserve and protect the character of the neighborhood. No employees will be on site full-time.

§ 210-97. Recreation, indoor.

A) Indoor recreational, physical fitness and other recreational facilities not specifically mentioned and clubs, spas and other similar facilities featuring exercise or other active physical conditioning, including accessory uses and services customarily incidental to the main use, but not limited to nonprofit organizations, are permitted under this category, subject to the following:

1) "Other recreational facilities not specifically mentioned" shall not include an amusement machine complex, as that term is defined in Article II hereof.

2) No activity allowed by this section as a special permitted use or an accessory use shall authorize the installation, maintenance or operation of or cause to be installed, maintained or operated more than five freestanding, coin-operated electronic video games.

3) Nothing in this provision shall be construed as authorizing as a special permitted use or accessory use the installation, operation or maintenance of a food service facility commonly referred to as a "lunch room," "restaurant," "coffee shop" or "bar" except that this will not exclude juices, sodas or snacks.

4) Other recreation facilities or accessory use shall not be construed to include billiard parlors, and billiard parlors are hereby excluded.

5) Other recreational facilities shall be limited to include the above-cited items and the following:

Archery ranges, instruction
Baseball, instruction
Basketball courts
Bridge clubs (nonmembership), instruction
Firearms training and use
Golf courses, subject to §210-73., miniature
Golf courses, subject to §210-73., electronic
Golf driving ranges
Golf, pitch-n-putt
Gymnastics, instruction
Handball courts
Judo, instruction
Karate, instruction
Lifeguard, instruction
Paintball
Racquetball courts
Scuba and skin diving, instruction
Ski, instruction
Sports, instruction
Squash courts
Swimming, instruction
Swimming pools
Tennis courts
Volleyball courts
Yoga, instruction

§ 210-98. Recreation, outdoor.

A) Purpose. It is the intent of the Town of Poughkeepsie to provide alternative uses to residential properties that are subject to flooding. These properties are generally located along the Wappingers Creek and lie within the one-hundred-year floodplain as designated by the Federal Emergency Management Agency maps. Generally, without substantial landfill and/or floodproofing provisions, homes cannot be safely constructed. Further, recreation uses would be more economically and environmentally compatible.

B) Criteria.

1) All uses shall be subject to a special use permit and site plan approval.

2) No amplifiers or loudspeakers of any type shall be installed outside of the building.

3) Exterior lighting shall be installed as directed by the Planning Board.

4) District bulk requirements will be applicable except:

a) All yard setbacks will be at least 100 feet.

b) Minimum lot size required: five acres.

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c) The recreation use shall take place entirely within the portion of the lot designated floodplain by the FEMA maps.

d) Property shall have access to a state or county road.

e) Signs shall not exceed 40 square feet in size.

C) De minimus recreation use. No permit or site plan review shall be required for an outdoor recreation use that is located in a flood plain area, and does not involve any new construction or site work such as grading or removal of vegetation.

§ 210-99. Recycling business.

A) In any district where permitted, junkyards and recycling businesses shall comply with the following provisions:

1) All such businesses shall be subject to special use permit and site plan approval.

2) The minimum lot area shall be five acres.

3) Such businesses shall be screened from adjacent streets and properties in accordance with §210-80, "Landscaping", as well as the conditions established in the site plan approval process.

4) No items shall be stacked, piled or stored above the height of any screening materials or vegetation.

§ 210-100. Special provisions for Residence, New Hamburg District.

A) Criteria applying to special permitted uses. In addition to the criteria set forth in §210-149, the following criteria shall apply to any special use permit use set forth in §210-18.

1) The use shall only take place in a building existing as of January 1, 1988. The floor area of such building may be increased by up to 25% to accommodate the use.

2) The applicant shall provide evidence that sufficient parking, based on the size and nature of the use, is permanently available on the site or within 200 feet thereof to meet parking demand generated by the use.

3) The applicant shall provide satisfactory proof that the on-site sewage disposal system is of sufficient capacity to accommodate the proposed use.

4) External changes to the existing structure shall be the minimum necessary to accommodate the proposed use.

B) Off-street parking. Off-street parking facilities shall be provided as required in §210-92.

C) Screening and landscaping. Parking for more than three cars associated with any use allowed subject to a special use permit shall be screened by a hedge, fence or wall, of a design and material subject to approval by the Planning Board, along the side and rear property line. Such screen shall be at least six and no more than eight feet in height and shall be adequate to screen the parking area at all seasons of the year. All required screening shall be maintained throughout the life of any use for which a special use permit is granted.

§ 210-101. Restaurants and fast-food restaurants.

A) All restaurant and eating establishments shall meet the following additional standards:

1) Restaurants shall meet the standards of §210-92, Off-street parking, as well as other applicable regulations.

2) Off-street parking areas shall be arranged so that vehicles do not obstruct sidewalks or

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streets while maneuvering into and out of a parking space.

3) Fast-food establishments. Vehicle stacking lanes for any drive-up service must be adequate so that adjacent sidewalks or streets are not obstructed.

§ 210-102. Restaurant/outdoor dining.

A) Purpose. It is the intent of these regulations to provide outdoor sections of restaurants where food and beverages are consumed without compromising the character of the neighborhood. This will be achieved through lighting being reflected away from abutting roadways and adjoining properties and garbage receptors being available for prompt removal of litter, thus limiting littering and the controlling of objectionable noises. The outdoor dining regulations are subordinate to those of the main eating area.

B) Criteria. In any district where permitted, the outdoor dining facilities for a restaurant shall comply with the following provisions:

1) Outdoor trash facilities available to adequately handle the maximum number of patrons who will be dining outdoors.

2) Concrete or other impervious ground structure on which dining tables must be placed.

3) A properly defined dining area from the adjoining property, through landscaping and/or a man-made structure.

4) Maximum hours of operation shall be from 7:00 a.m. to 11:00 p.m.

5) Parking shall be in accordance with the criteria set for an indoor restaurant within the particular zone.

6) Any lighting shall be arranged as to reflect the light away from the adjoining properties and abutting roadways.

7) Outdoor dining areas must meet the same setbacks as the restaurant building.

§ 210-103. Retail store outlet (where goods are manufactured on premises).

A) Purpose. The intent of this section is to encourage the development of manufacturing businesses that depend in part upon the sale of the manufactured product upon the premises.

B) Criteria. In any district where permitted, retail store outlets shall comply with the following:

1) In addition to the required manufacturing parking, there shall be a minimum of four spaces for each 1,000 square feet of area devoted to sales.

2) There shall be no outside storage of the merchandise relating to the store outlet.

§ 210-104. Sanitary disposal.

A) No persons shall undertake to construct or renovate any building or structure in the Town of Poughkeepsie without first meeting the requirements for a system or facility for the separate disposal of waterborne sewage, domestic or trade wastes in accordance with applicable regulations of the Town of Poughkeepsie, the County of Dutchess or any other governmental authority exercising jurisdiction thereof.

§ 210-105. Shopping carts.

A) Purpose. It is the intent of these regulations to keep parking facilities located in the Town of Poughkeepsie functional, safe and to maintain the aesthetic standards of the community. Shopping cart corrals with locking devices minimize the risk of damage resulting from loose

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shopping carts, the accumulation of shopping carts in designated parking areas and the removal of shopping carts from the designated use area.

B) Regulation of shopping carts.

1) Shopping carts that are left outside of a commercial building shall have sufficient corral areas to retain them, either in the designated parking area or in an area adjacent to the building which is so designated.

2) Shopping carts that are allowed outside the commercial building must have locking devices. The locking devices must be coin operated.

3) All shopping cart corrals shall be covered.

4) Signs will be allowed on exterior corrals. The total signage shall not exceed 12 square feet on each corral. This signage will not be a part of the calculations of the otherwise allowable signage for that site.

5) All shopping cart corrals, the number and location thereof shall be approved by the Planning Board.

6) All businesses that use 20 or more shopping carts and allow these carts outside of the store shall conform to this regulation.

7) Conformance shall occur within two years of the date this regulation takes effect.

C) Site plan approval. Application for approval of site plan shall have specifications on the number of shopping carts, corral locations, dimensions, number of shopping carts each corral will contain and type of locking device being used. Corral areas placed in parking stalls shall be considered as part of the required parking area.

§ 210-106. Swimming pool enclosures.

A) An approved enclosure shall be provided around outdoor swimming pools so that such pools are inaccessible to children. The enclosure may surround either the pool area or the property.

B) General requirements. Outdoor swimming pools shall be provided with an enclosure which shall comply with the following:

1) It shall be at least four feet in height and have a maximum vertical clearance to grade of two inches.

2) Where a picket-type fence is provided, horizontal openings between pickets shall not exceed 3 1/2 inches.

3) Where a chain link fence is provided, the openings between links shall not exceed 2 3/8 inches.

4) Enclosure shall be constructed so as not to provide footholds.

5) Pickets and chain link twists shall extend above the upper horizontal bar.

6) Such enclosures shall have railing and posts within the enclosure, which shall be capable of resisting a minimum lateral load of 150 pounds applied midway between posts and at top of posts, respectively. Enclosure, fence material or fabric shall be capable of withstanding a concentrated load of 50 pounds applied anywhere between supports on an area 12 inches square, without failure or permanent deformation. Gates provided in the enclosure shall be self-closing and self-latching with the latch handle located within the enclosure and at least 40 inches above grade.

7) A wall of an existing building is permitted to serve as part of the enclosure under the following conditions:

a) Windows in the wall shall have a latching device at least 40 inches above the floor.

b) A swinging door in the wall shall be self-closing and self-latching at least 40 inches above the floor.

c) A sliding door in the wall shall have a self-latching device at least 40 inches above the floor.

C) Exemptions.

1) Any application for a building permit to install a swimming pool or construct an accessory building for a swimming pool shall include a diagram of the proposed fencing. A certificate of occupancy in regard to a swimming pool or accessory building will not be issued unless the area is fenced in accordance with this provision of this chapter.

2) Aboveground pools with at least 46 inches between pool decking or pool top and adjoining grade are exempt from the requirements of Subsection A, provided that the access ladder or steps are blocked or locked in an approved manner when not intended for use.

3) A pool less than 24 inches deep is exempt from the requirements of Subsection A.

§ 210-107. Swimming pools, private.

A) The construction and use of a private swimming pool shall be permitted only where it is clearly incidental and accessory to a principal permitted residential use on the same lot and shall conform to the following requirements:

1) Such pool shall not be located in any required front yard or in front of the permitted principal use.

2) Every gate or other opening in the fence enclosing such pool shall be kept securely closed and locked at all times when said pool is not in use.

3) All swimming pools shall be considered structures and shall be set back from side and rear lot lines at least 15 feet.

§ 210-108. Swimming pools, public.

A) The construction and use of a public swimming pool as a principal permitted use on an individual lot shall conform to an approved site plan which shall address the following requirements:

1) Minimum lot size shall be 2 1/2 acres.

2) The principal structure shall be set back 200 feet from the street line.

3) No public pool shall be constructed within 200 feet of any existing residential structure or 100 feet from any lot line.

4) Screen plantings shall be established along lot lines where residential uses abut public pools.

5) The pool areas shall be fully enclosed by a fence at least six feet high but no greater than eight feet high.

6) The point source of pool lighting shall not be visible from beyond the property line.

7) Parking shall be provided in accordance with §210-92.

§ 210-109. Temporary buildings.

A) Temporary buildings or trailers shall be used for construction or development purposes only. The temporary building shall be removed within 30 days of the completion of a construction or development project or if active construction ceases for six months or longer.

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§ 210-110. Temporary stockpiling of materials.

A) Loose and/or bulk material that is to be stockpiled for a period of greater than twenty-one (21) days, other than as shown on an approved site plan or subdivision plan, shall be stored so as to not be visible from adjoining or nearby properties and public roads. After twenty-one (21) days such materials shall be placed within wholly enclosed structures approved for such use, or shall be screened from view by fencing or landscaping, or a combination of fencing and landscaping. Except for stockpile areas as shown on approved site plans or subdivision plans the height of stockpiled material shall not exceed ten feet. In no case shall the height of stockpiled material exceed the height of screening.

§ 210-111. Tennis court, private.

A) The construction and use of a private tennis court shall be permitted only where it is incidental and accessory to a principal permitted residential use on the same lot and shall conform to the following requirements:

1) The tennis court shall not be located in any required front yard or in front of the permitted principal use.

2) The tennis court shall be considered an accessory use and shall be set back from side and rear lot lines at least 15 feet.

3) The enclosure fence shall be at least 10 feet high but no greater than 12 feet high.

4) A building permit is required.

5) The tennis court may be lighted for night use upon issuance of a special use permit by the Zoning Board of Appeals.

§ 210-112. Trash and storage containers and receptacles.

A) Refuse and storage containers and receptacles located on non-residential premises, and those located on multi-family residential premises in which a receptacle is used in common by the inhabitants of two or more dwellings, but excluding garbage cans on single family residential premises, shall be located and screened so as to not be visible from adjoining or nearby properties and public roads. No container or receptacle shall be placed or located within fifty (50) feet of any residential district or any property used for residential purposes. All containers and receptacles, and locations for the deposit of refuse or the storage of materials, shall be screened from view and designed so as to be fireproof and/or fire retardant, and to prevent access by rodents, dogs, cats, and vermin. All such containers and receptacles shall remain closed at all times, and shall be designed to prevent the release of refuse, paper and any other material.

§ 210-113. Reserved.

§ 210-114. Visibility at intersections.

A) For the purpose of minimizing traffic hazards at intersections where corner lots abut public streets, the following regulations will apply (Note: "Major street" applies to roadways which have the continuous right-of-way and upon which drivers can typically reach and maintain travel speeds which reflect the posted limits. "Minor street" applies to intersection roadways which are controlled by stop or yield signs or implied stop conditions where drivers must yield the right-of-way to major street traffic.):

1) Where posted speed limits on the major street are in excess of 30 miles per hour, no fence, wall, hedge or other structure shall be placed or maintained so as to severely limit the visibility of vehicles within 500 feet of the point of intersection of the center line of

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the approach lanes of the major and minor streets, measured along the major street, both to the left and right of the minor street.

2) Where posted speed limits on the major street are 30 miles per hour or less, no fence, wall, hedge or other structure shall be placed or maintained so as to severely limit the visibility of vehicles within 300 feet of the point of intersection of the center line of the approach lanes of the major and minor streets, measured along the major street, both to the left and right of the minor street.

3) The viewing point for determining visibility shall be located at a height of 44 inches above finished pavement surface and 12 feet back from a line projecting the edge of pavement of the major street across the minor street approach. Object height is to be 44 inches.

4) This section shall not apply to existing street trees, provided that no branches are closer than six feet to the ground.

§ 210-115. Warehousing, storage buildings.

A) All warehouses shall comply with the following:

1) Lighting shall meet the standards of §210-81 of this Chapter.

2) A minimum of one parking space for each 2,000 square feet of building area.

ARTICLE IX
SIGNS

§ 210-116. Purpose.

A) The purpose of this section is to promote and protect the public health, welfare and safety by regulating existing and proposed on-premises and off-premises signs and signs of all types within the Town of Poughkeepsie. This section is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of the town. It is further intended to reduce distractions and obstructions that may adversely affect traffic safety, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space and maintain the generally high level of the community's appearance and attractiveness. This section is intended to promote attractive signs that clearly present the visual message in a manner that is compatible with their surroundings and to ensure that signs aid orientation and adequately identify uses and activities to the public. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to be compatible with their surroundings.

§ 210-117. General regulations.

A) Except as otherwise provided herein, no sign or other advertising device shall be erected, constructed, displayed, moved, reconstructed, extended, enlarged or altered except in conformity with this article and, where applicable, without first obtaining a permit from the Zoning Administrator in accordance with the procedures and standards of this article.

B) Every application for a sign permit shall be accompanied by plans to scale showing the dimensions and area of the sign; the location of the sign on the building, structure or lot upon which the sign is to be attached or erected; the colors, materials, lettering, artwork and other attributes of the sign; the proposed method of illumination, if any; and statements indicating

compliance with applicable building construction standards.

C) No sign shall be erected which, in the opinion of the Zoning Administrator, may cause hazardous or unsafe conditions. If such signs exist, they shall be removed upon direction of the Zoning Administrator following notification to the owner. Failure to remove a sign(s) after notice by the Zoning Administrator shall result in enforcement of these provisions and the order in accordance with this Chapter.

D) Substitution Clause. Any sign authorized pursuant to this Chapter may contain a noncommercial message constituting a form of expression in lieu of other copy.

§ 210-118. Applications.

A) Application for a sign permit shall be made in writing upon forms prescribed by the Zoning Administrator.

B) The applicant shall furnish a detailed drawing or blueprint showing description of the construction details of the sign and showing the lettering and other matter on the sign; sign colors; sign height; type and position of lighting; a location plan showing the position of all signs in relation to buildings and to any street, highway or sidewalk, including the location of any sign or signs on any structure.

C) Applications require the written consent of the landowner or an authorized representative.

D) Fees. See Chapter 105, "Fees".

E) Issuance of a permit. With the exception of signs for which site plan approval by the Planning Board is required, or signs which are required to undergo review by the Director of Planning, the Zoning Administrator, upon the filing of an application for a sign permit shall examine the plans, specifications, locations and other data submitted as part of said application and approve said plans if the Zoning Administrator determines that they are in compliance with all requirements of this section. If the Zoning Administrator determines that the application is complete and the proposed sign meets the requirements of this section the Zoning Administrator shall, within ten (10) days of the date said application was received, issue a permit for the erection of the proposed sign. If the Zoning Administrator determines that the application is not complete or the proposed sign does not meet the requirements of this section the Zoning Administrator shall, within ten (10) days of the date said application was received, issue a written notice to the applicant stating the deficiencies of the application and the reason for the refusal to issue a sign permit event that plans submitted do not meet requirements of local laws and ordinances of the Town of Poughkeepsie, the Zoning Administrator shall then notify the applicant, in writing, of the reason for refusal to issue a permit.

F) Expiration of permit. If the authorized sign is not erected or installed within six months of the date the sign permit is granted, the permit shall become null and void.

G) Revocation of permit. In the event of a violation of any of the provisions of this article, the Zoning Administrator shall give written or personal notice, specifying the violation to the named owner of the sign and owner of the land, to correct said violation or remove such sign. Correction of violation, by change, repair or removal, etc., shall be performed within 15 days from date of notice.

§ 210-119. Removal of certain signs.

A) Any sign existing on or after the effective date of this chapter, which no longer identifies an existing business conducted or product sold on the premises, shall be removed by the owner of the premises upon which such sign is located. The Zoning Administrator, upon determining that any such sign exists, shall notify the owner of the premises, in writing, to remove said sign within 30 days from the date of such notice. In the event that a lease or a

contract between owner of land and owner of sign exists on the date of violation notice, the owner of land shall notify the owner of the sign of the notice of removal and direct that the sign be removed. Failure to comply will result in the proper legal action being taken by the Zoning Administrator.

B) If the Zoning Administrator shall find that any sign regulated by this article or any section of this Zoning Chapter is unsafe or insecure or is a menace to the public, the Zoning Administrator shall give written notice to the named owner of the sign and the named owner of the land upon which the sign is erected, who shall remove or repair said sign within one day from date of notice. If notice to repair or remove is not acted upon promptly, the Zoning Administrator may take the proper legal action to effect compliance.

C) The Zoning Administrator may remove any sign which in the discretion of the Zoning Administrator is in violation of this provision.

§ 210-120. Temporary signs.

A) Applications for temporary signs shall be submitted to the Zoning Administrator for a temporary sign permit.

B) Applicants for temporary sign permits such as banners, portable signs, promotional signs and other signs of similar nature may be granted a temporary sign permit for a period not exceeding 30 consecutive days. Each place of business may be granted temporary sign permits not to exceed a total of 90 days during the calendar year. Temporary sign permits shall be valid for not more than two banners and/or one freestanding sign.

C) Temporary signs shall not be attached to fences, trees or utility poles on private property or in any public right-of-way, and such signs shall not be placed in a position that will obstruct or impair vision or traffic, or in any manner create a hazard to health, safety and welfare of the general public. Other fluttering devices such as streamers, pennants and balloons are prohibited as temporary signs.

D) Temporary freestanding signs shall not exceed 40 square feet in nonresidential zones and 20 square feet in residential zones.

E) Except as provided in this section, all temporary signs shall meet the requirements of this section and chapter.

§ 210-121. Nonconforming signs.

A) Any sign which denotes a use that has ceased and/or which no longer identifies an existing business conducted or product sold on the premises shall be removed as required by § 210-119.

B) A nonconforming sign may be changed only as follows:

1) To a conforming sign.

2) To a sign of similar or less nonconformity as determined by the Zoning Board of Appeals.

§ 210-122. Prohibited signs.

A) The prohibitions contained in this section shall apply to all signs and all zoning districts, regardless of designation, of the Town of Poughkeepsie.

1) Billboard signs.

2) Roof signs are prohibited (i.e. a sign that projects above the coping, eave or cornice of a building).

3) Signs that move or have moving parts and revolving signs.

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4) Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.

5) "A" frame, sandwich board, sidewalk or curb signs.

6) A sign not located on the premises to which it is associated or to which it refers.

7) Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, service or activity or direct people to a business or activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

8) Strip lighting outlining commercial structures and used to attract attention for commercial purposes, and strings of light bulbs used in any connection with commercial premises unless the lights shall be shielded.

9) A sign which obstructs any window or door opening used as a means of egress, prevents free passage from one part of a roof to any other part, interferes with an opening required for legal ventilation, or is attached to or obstructs any standpipe, fire escape or fire hydrant.

10) Televisions used for advertising or information, except when used for indirect illumination and in such a manner as to not be directly exposed to public view.

11) No pennants, balloons, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices shall be allowed.

12) Except for awnings, no permanent sign shall be constructed of paper, cardboard, canvas or similar materials.

13) No sign shall be located so as to obscure any signs displayed by a public agency nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow. No sign shall overhang onto an adjacent property or right-of-way.

14) No temporary sign shall be placed on the front or face of a building or on any premises, except as provided herein.

15) The use of fluorescent colors, “day-glow” type paints, and garish colors or combination of such colors, is prohibited.

16) No sign shall be attached to any tree or utility pole or be painted upon or otherwise directly affixed to any rock, ledge or other natural feature.

17) No sign, other than an official traffic sign, shall be erected within the right-of-way of any public street or highway.

18) Except for awning signs the use of cardboard, paper, canvas or similar impermanent material is prohibited.

19) A sign that is illuminated by or contains flashing, intermittent, rotating or moving lights except to show time, date and/or temperature.

20) A sign that is designed and/or mounted so as to impair or cause confusion to the operator(s) of a motor vehicle is prohibited.

§ 210-123. Sign regulations for all districts.

A) The regulations contained in this section shall apply to all signs and all zoning districts, regardless of designation, of the Town of Poughkeepsie. Nothing herein shall be construed so

as to allow the placement or installation of a sign on property other than the parcel or lot associated with the sign or the notice provided on the sign.

1) All freestanding sign(s) shall require site plan approval by the Planning Board prior to installation.

2) Any modification or alteration (except repairs and replacement) to a freestanding sign, a wall sign, or a projecting sign that was previously approved by the Planning Board shall be reviewed by the Director of Planning for consistency with the Planning Board's original site plan approval prior to issuance of a permit by the Zoning Administrator. Within three (3) days of receipt of an application for a sign permit involving a property for which the Planning Board has approved a site plan the Zoning Administrator shall refer said application to the Director of Planning for review as to the consistency of the proposed sign with the Planning Board's site plan approval. Within five (5) days of receipt of the application from the Zoning Administrator the Director shall issue a written recommendation to the Zoning Administrator to approve or deny the application and shall set forth the reasons for said approval or denial. In the event the Director issues a recommendation to deny the application the Director shall refer the application to the Planning Board for amended site plan approval in accordance with the requirements of this Chapter. Nothing herein shall be construed as preventing an applicant from withdrawing an application for sign approval in order to modify the sign to meet the objections of the Director and re-submitting a new application for a sign permit to the Zoning Administrator.

3) Except as provided herein no freestanding sign shall exceed twenty (20) feet in height or the height of the principal structure, whichever is less.

4) The use of a dark background with lighter color(s) for lettering is preferred over the use of a white or light color background and dark lettering.

5) All sign lighting shall be shielded and directed in such a manner that the light source is fixed and is not directly visible from, and does not cast glare or direct light from artificial illumination upon, any adjacent public right-of-way, surrounding property, residential property or motorist's vision. Ground mounted spotlights used to illuminate a sign shall be fully shielded. Any device lighting a sign shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent or moving light or lights. A string of lights consisting of more than three bulbs shall not be permitted as part of a sign or separate from a sign. No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the lot on which the sign is located contains a non-residential use and is open for business.

6) Wall signs shall be painted on or affixed flat against the building facade.

7) No sign shall have more than two (2) sides.

8) All signs shall be measured in accordance with the following methods:

   a) Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.

   b) For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a different color than the natural color or finish material of the building.

   c) For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

   d) Essential supporting framework (brackets, posts, standards) shall not be included in sign area calculations. However, illuminated embellishments on such essential

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supporting framework shall be included in the calculation of sign size.

e) For signs with two faces or sides, the area shall be taken as the area of either face, provided that the faces are either back to back or are attached along at least one side and the angle of that attachment does not exceed 30°. Where faces are not back to back or are attached at an angle exceeding 30°, each face shall be measured individually.

9) Window signage shall not exceed twenty-five (25%) percent of the glass area of that part of the building facing the street front.

10) All illuminated signs shall bear the Underwriters Laboratories, Inc., seal in conformance with U.S. 48 or be inspected and certified by a Town authorized electrical inspection company.

11) All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of surface area.

12) All signs, including wall signs and projecting signs, shall be securely anchored and shall not swing or move in any manner.

13) All signs shall be constructed of durable materials and shall be maintained in a good condition.

14) Projecting signs shall have no more than two (2) faces. The exterior edge of a projecting sign shall extend not more than six (6) feet from the building face or one-third (1/3) the width of the sidewalk over which it is suspended, whichever is less. No part of a projecting sign shall extend into a vehicular traffic area. A projecting sign suspended over a sidewalk or pedestrian traffic area shall have a vertical clearance of not less than eight (8) feet. No sign shall project from an awning.

15) On multi-story buildings, projecting signs shall be attached to the building above first story windows and below second story windowsills. On one-story buildings, projecting signs shall be attached above first story windows and below the roofline. The size and location of a projecting sign shall complement neighboring signs.

16) No wall sign shall be higher than the building to which it is attached.

17) All wiring to a freestanding sign shall be underground and/or concealed within the sign structure.

§ 210-124. Signs permitted in residential districts.

A) Freestanding sign. One freestanding sign per lot of a maximum area of four (4) square feet is allowed. Freestanding signs shall be set back a minimum of five (5) feet from any highway right-of-way and shall not exceed eight (8) feet in height. The base of any such freestanding sign shall be landscaped as approved by the Planning Board, and the amount of landscaping at the base of the sign shall not be less than the square footage of the freestanding sign. The use of exposed "I" beams and steel beams to support a freestanding sign is prohibited.

B) Sign attached to building. Two wall signs per lot not to exceed two (2) square feet for each business are allowed.

§ 210-125. Signs permitted in ATC, SPC, CHCO, CHCO (EO), MHC, and RRH districts.

A) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed, or in the case of freestanding signs, associated with. For multiple tenants signage shall be presented as a unified plan that is integrated into the overall building design, color, scale, massing, as shall

also be integrated with the site landscaping.

B) On all non-residential premises:

1) On a single lot one (1) wall sign or one (1) projecting sign is permitted. Wall signs shall not exceed an area of fifteen (15) square feet. Projecting signs shall not exceed an area of twelve (12) square feet.

2) On a single lot one freestanding sign not to exceed twelve (12) square feet and a maximum height of twelve (12) feet in height above the finished grade is permitted, provided the principal structure is set back not less than 20 feet from the front property boundary. Freestanding signs shall be set back a minimum of ten (10) feet from any highway right-of-way or thirty-five (35) feet from any highway centerline, whichever is greater. The base of any such freestanding sign shall be mounted within a landscaped monument of stone, brick or other natural material as approved by the Planning Board, and the amount of landscaping at the base shall not be less than the square footage of the freestanding sign. The use of exposed "I" beams and steel beams to support a freestanding sign is prohibited.

C) Awning signage not to exceed twelve (12) square feet and limited to a single line of text not more than eight (8) inches high is permitted.

D) If two or more businesses share a canopy along the face of the building, each business is permitted one sign with a maximum area of two (2) square feet. This sign shall hang under the canopy, perpendicular to the face of the building.

§ 210-126. Signs permitted in B-N, B-NH, IN, and ROMNSC districts.

A) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed, or in the case of freestanding signs, associated with. For multiple tenants signage shall be presented as a unified plan that is integrated into the overall building design, color, scale, massing, as shall also be integrated with the site landscaping.

B) Freestanding sign. One freestanding sign with an area not to exceed 50 square feet in area is allowed per lot. If there are two or more businesses on a lot, each business may share an equal portion of the allowed sign or some other portion thereof as allowed by the owner of the premises.

C) Signs attached to buildings. One sign painted on or affixed flat against the front of any building shall not exceed an area of 25% of the face of the building up to a maximum sign size of 50 square feet.

D) Signs where parking is provided primarily to rear of buildings.

1) Where no parking areas are to be provided in the front of the principal building and most parking spaces are visually shielded from the road to the rear of the principal building, one additional wall sign shall be permitted, provided that such sign does not exceed 25 square feet and is placed on the wall of the building facing the principal parking area.

2) A sign bonus shall be available where there is to be no freestanding sign. In such a case the sign permitted in this subsection may be a maximum of 25 square feet.

E) If two or more businesses have a canopy along the face of the building, each business is permitted one sign with a maximum area of two square feet. This sign shall hang under the canopy, perpendicular to the face of the building.

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§ 210-127. Signs permitted in B-H, SHC, and FC districts.

A) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed, or in the case of freestanding signs, associated with. For multiple tenants signage shall be presented as a unified plan that is integrated into the overall building design, color, scale, massing, as shall also be integrated with the site landscaping.

B) Freestanding signs. One freestanding sign with an area not to exceed 50 square feet is allowed per lot. The base of any such freestanding sign shall be mounted within a landscaped monument of stone, brick or other natural material as approved by the Planning Board.

C) Signs attached to buildings. Where there is one business on a lot, one sign per lot painted on or affixed flat against the front of any building which shall not exceed an area of 25% of the face of the building, up to a maximum sign size of 100 square feet is allowed. Where there are two or more businesses per lot, each business shall be permitted one wall sign not exceeding 24 square feet or the lot may have one wall sign not to exceed 100 square feet.

D) Signs where parking is provided primarily to rear of buildings.

   1) Where no parking areas are to be provided in the front of the principal building and most parking spaces are visually shielded from the road to the rear of principal buildings, one additional wall sign shall be permitted, provided that such sign does not exceed 50 square feet and is placed on the wall of the building facing the principal parking area.

   2) A sign bonus shall be available where there is to be no freestanding sign. In such case, the sign permitted in this subsection may be a maximum of 100 square feet.

E) Where there is more than one business per lot, each business shall be permitted one sign in accordance with this subsection. Such sign shall not exceed 12 square feet. However, where there is to be no freestanding sign, each business shall be allowed to increase the square footage of the sign permitted in this subsection to a maximum of 50 square feet.

§ 210-128. Signs permitted in B-SC district.

A) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed, or in the case of freestanding signs, associated with. For multiple tenants signage shall be presented as a unified plan that is integrated into the overall building design, color, scale, massing, as shall also be integrated with the site landscaping.

B) Freestanding signs. One freestanding sign which shall advertise the name of the center only, not exceeding an area of 100 square feet, is allowed per shopping center. The base of any such freestanding sign shall be mounted within a landscaped monument of stone, brick or other natural material as approved by the Planning Board.

C) Signs attached to buildings.

   1) For enclosed shopping center:

      a) Entrance signs are allowed and limited to 25 square feet.

      b) For each store with a separate public entrance/exit to the outside of the shopping center, no more than one wall sign per exterior wall that contains a public entrance/exit. In no case, however, shall the number of such signs be more than three per store. Such signs shall not exceed 5% of the wall area on which the sign is located for two-story walls and 10% of the wall area for one-story walls. In no case, however, shall any such wall sign exceed 275 square feet.

2) For unenclosed shopping centers:

a) One wall sign per store. Such signs shall not exceed 25% of the face of the store (excluding glass) to a maximum of 100 square feet and shall be secured flat against the face of the building.

b) Where no parking areas are to be provided in the front of a shopping center, one additional wall sign per store shall be permitted, provided that such sign does not exceed 12 square feet and is placed on the wall of the building facing the principal parking area.

D) Hanging signs. One hanging sign per business shall be permitted. A hanging sign is one that projects out from an exterior wall by more than one foot and is secured to said wall by means of chains, wire cable and brackets. Said sign shall not exceed two square feet in area.

E) All shopping center signs shall be approved by the owner of the center.

§ 210-129. Signs permitted in O-R, I-H, I-L, and Q districts.

A) Signs shall be designed in accordance with an overall comprehensive signage plan in which the size, materials, and color of wall mounted signage shall be appropriate to the dimensions and architectural appearance of the building to which it is affixed, or in the case of freestanding signs, associated with. For multiple tenants signage shall be presented as a unified plan that is integrated into the overall building design, color, scale, massing, as shall also be integrated with the site landscaping.

B) Freestanding signs. One freestanding sign with an area not to exceed 50 square feet in area with a permit is allowed per lot. The base of any such freestanding sign shall be mounted within a landscaped monument of stone, brick or other natural material as approved by the Planning Board.

C) Signs attached to buildings. Where there is one business on a lot, one sign per lot painted on or affixed flat against the front of any building which shall not exceed an area of 25% of the face of the building, up to a maximum sign size of 100 square feet is allowed. Where there are two or more businesses per lot, each business shall be permitted one wall sign not exceeding 24 square feet or the lot may have one wall sign not to exceed 100 square feet.

D) Signs where parking is provided primarily to rear of buildings.

1) Where no parking areas are to be provided in the front of the principal building and most parking spaces are visually shielded from the road to the rear of principal buildings, one additional wall sign shall be permitted, provided that such sign does not exceed 50 square feet and is placed on the wall of the building facing the principal parking area.

2) A sign bonus shall be available where there is to be no freestanding sign. In such case the sign permitted in this subsection may be a maximum of 100 square feet.

3) Where there is more than one business per lot, each business shall be permitted one sign in accordance with this subsection. Such sign shall not exceed 12 square feet. However, where there is to be no freestanding sign, each business shall be allowed to increase the square footage of the sign permitted in this subsection to a maximum of 24 square feet.

§ 210-30. Motor vehicle service facility signs.

A) Notwithstanding any other provision to the contrary in this Chapter, signs for Motor Vehicle Service Facilities shall meet the following additional standards:

1) Lettering affixed to dispenser pumps shall be limited to one sign per pump and shall not exceed one (1) square foot in area.

2) One sign painted on or affixed flat against the front of any building or canopy is allowed.

Such sign shall not exceed an area of 25% of the face of the building or canopy up to a maximum sign size of 50 square feet.

§ 210-131. Exempt signs.

A) The following signs are exempt from these provisions:

1) Decorative banners, flags, posters, placards and streamers on residential premises.

2) Decorative banners on non-residential premises not containing any words, labels, figures or descriptions.

3) Permanent monument signs as part of a decorative entryway for pedestrian or vehicular traffic.

4) Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations, not exceeding six (6) square feet.

5) Flags and insignia of any government or governmental agency.

6) On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zone, entrances and exits not exceeding four (4) square feet per face and six (6) feet in height.

7) A sign of one (1) square foot or less, affixed to the premises, denoting the name and address of the occupants of the premises.

8) Memorial plaques or tablets, grave markers, statutory declaring names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials, or other remembrances of persons or events that are noncommercial in nature.

9) Signs which are fully located within the interior of any building, or within an enclosed lobby or court of any building, which are not visible from the public right-of-way, adjacent lots or areas outside the building, and signs not to exceed 30" x 42", located within the inner or outer lobby, court, or entrance of any theatre which are intended solely for information relating to the interior operation of the building in which they are located.

10) Lawn signs identifying residences, not exceeding one (1) square foot. Such signs are to be non-illuminated except by a light that is an integral part of a lamppost if used as a support.

11) Private owner merchandise sale signs for garage sales and auctions located on the premises, not exceeding four (4) square feet for a period not exceeding seven (7) days in any one (1) month.

12) On premises “No Trespassing” or “Private Property” or similar signs.

13) Temporary non-illuminated "For Sale," "For Rent," "For Lease", “Opening Soon”, “Coming Soon” real estate signs and signs of a similar nature concerning the vacant or improved real property upon which the sign is located provided such signs shall not exceed six square feet in area in residential districts and in nonresidential districts shall not exceed 10 square feet per 100 feet of frontage but not to exceed 50 square feet.

14) Temporary, non-illuminated window signs and posters not exceeding ten (10) percent of the total window surface of a building.

15) At a gasoline dispensing station, integral graphics or attached price signs on gasoline pumps.

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16) Drive-thru menu boards.

17) Signs directing motorists or pedestrians shall be allowed, provided that such sign shall not exceed four square feet in area and include only directional information. Logos or other forms of advertisement shall be permitted on directional signs. A sign permit shall be required for such sign but no fee is required.

18) Signs identifying real estate, apartment or residential subdivision developments, not to exceed two signs where each sign shall not exceed 20 square feet in size and shall advertise only the name of the development where such sign is located.

19) A residential building or structure having six or more units and bed-and-breakfast establishments and boutiques may have one ten-square-foot sign.

20) Temporary informational and directional signs for meetings, conventions and other assemblies displayed only for the duration of the event.

21) One (1) sign, not exceeding two (2) square feet in a residential district or twelve (12) square feet in a non-residential district, listing the architect, engineer, contractor and/or owner on premises where construction, renovation or repair is in progress. Said sign shall be removed upon completion of construction, renovation or repair.

22) Signs or bulletin boards customarily incidental to places of worship, schools, libraries, museums, social clubs or societies, provided that signs or bulletin boards shall not exceed 15 square feet in area and shall be located on the premises of such institutions.

23) Political posters and similar signs.

ARTICLE X
NONCONFORMING BUILDINGS AND USES

§ 210-132. General standards.

A) It is the intent of this Local Law that nonconformities should not be expanded except as indicated herein, that they should be brought into conformity as quickly as the fair interests of the parties permit, and that the existence of any present nonconformity anywhere in the Town shall not in itself be considered grounds for issuance of a variance for any other use, lot, building, or other structure. Nothing in this Local Law shall be deemed to prohibit ordinary repair and maintenance of any nonconforming building or other structure or reconstruction thereof necessitated by fire or other casualty, or replacement of existing materials, or work ordered by the Zoning Administrator to protect the public health or safety, provided such work does not increase the nonconformity.

B) Except as otherwise provided in this article, any lawfully permitted use of a structure or land existing on the effective date of this Chapter, or on the effective date of any subsequent amendments to this Chapter, may be continued even though such use does not conform to the standards or provisions of this chapter. Such uses shall be deemed nonconforming uses.

C) Any existing natural or man-made screening of nonconforming uses or structures shall not be removed or replaced except as permitted by the Zoning Board of Appeals. Such screening shall be maintained in a good state of repair.

§ 210-133. Nonconforming use of land.

A) Where no structure is involved, the lawful nonconforming use of land may be continued, provided that:

1) Such nonconforming use shall not be enlarged or increased nor shall it be extended to

occupy a greater area of land than occupied by such use as of the effective date of this Chapter or as of the effective date of any subsequent amendments hereto.

2) Such nonconforming use shall not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use after the date indicated in paragraph A.1. above. If such nonconforming use of land or any portion thereof ceases for any reason for a continuous period of more than twelve months or is changed to a conforming use, any future use of such land shall be in conformity with all provisions of this chapter. In determining whether a nonconforming use has been discontinued, any one of the following items shall constitute *prima facie* evidence of discontinuance:

   a) Any positive act indicating intent to discontinue;

   b) Any conscious failure to take all necessary steps to resume the nonconforming use with reasonable dispatch in the circumstances;

   c) Cessation of the nonconforming use of a lot and/or structure for twelve (12) consecutive months;

   d) Substitution of a conforming use.

3) Such nonconforming use may be changed to a use that is similar or less nonconforming.

B) All nonconforming uses shall conform in all other respects to the requirements of the zoning districts in which they are located.

§ 210-134. Nonconforming use of structures.

A) The legally nonconforming use of a structure may be continued, provided that:

1) The Zoning Board of Appeals shall hear and decide applications for a permit for an expansion of a nonconforming use subject to the following standards:

   a) A nonconforming structure may be enlarged or extended one time only after the date that the structure became nonconforming, and then to an extent not exceeding 25% of the gross floor area of the existing structure devoted to such nonconforming use.

   b) The application to the Zoning Board of Appeals shall include:

      (i) A plot plan drawn to scale.

      (ii) Drawings of existing structures and proposed enlargements or extensions, including floor plans. Drawings must be drawn to scale with elevations.

      (iii) Dates of any previous enlargements or extensions.

      (iv) Other information as required by the Board to complete its review.

   c) Site plan approval by the Planning Board shall be required.

2) If such nonconforming use of a structure ceases for any reason for a continuous period of more than one year or is changed to a conforming use, then any future use of such structure and the land on which it is located shall be in conformity with all provisions of this chapter.

3) If any structure legally nonconforming in use shall be partially or totally destroyed by fire or any other means, it may be repaired or reconstructed to the same size and on the same location or at the location specified for new buildings in the district in which such use is located. All repairs or reconstruction for such nonconforming use shall be completed within one year of the date on which the destruction occurred.

4) If any structure in which any nonconforming use is conducted or maintained is hereafter removed, except as provided in Subsection C above, the subsequent use of the land on which such building was located and the subsequent use of any structure thereon shall

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be in conformity with the standards specified by this chapter for the district in which such land or building is located.

5) Normal maintenance and repair to the structure that is nonconforming in use shall be permitted.

6) Structures that are nonconforming in use may be changed to a conforming use.

7) Structures that are nonconforming in use may be changed to a use that is similar or less nonconforming.

8) All nonconforming uses shall conform in all other respects to the requirements of the zoning districts in which they are located.

§ 210-135. Nonconformity other than use.

A) This subsection applies to structures which are conforming in use, but do not conform to the height, yard, building coverage, parking or other dimensional requirements of this chapter. No permit shall be issued nor shall any change be made on such structures or land that will result in any increase of such nonconformity. For the purpose of this subsection, structures existing prior to the date of adoption of this Chapter are deemed nonconforming.

§ 210-136. Residential lots in the R-20,000 District.

A) Structures on lots located in the R-20,000 District may be altered and expanded without a variance, despite a failure to comply with the area, shape, or frontage requirements of the R-20,000 District *provided*:

1) The structure and the lot were lawfully *developed for and used for* single family or two-family residential purposes prior to the date of adoption of this Chapter; *and*

2) The nonconformity results solely from the adoption of this Chapter (including any preceding zoning law or subsequent amendments); *and*

3) The nonconformity has not been increased by any act of the Owner or Tenant subsequent to the date of adoption of this Chapter; *and*

4) The lot contains at least ten thousand (10,000) square feet of area; *and*

5) The development of the lot will maintain a minimum lot width of not less than eight-five (85) feet; a front yard of not less than thirty (30) feet; a side yard of not less than fifteen (15) feet; a rear yard of not less than fifty (50) feet; and a maximum lot coverage of not more than twenty (25%) percent.

B) A nonconforming lot satisfying Subsections A.1 through A.4 above shall be designated an "eligible nonconforming lot." A lot shall remain an eligible nonconforming lot until the occurrence of any of the following events:

1) Reduction in the lot's size, or any other increase in the degree of its nonconformity for any reason, other than the adoption of a more stringent zoning law;

2) Acquisition after the date of adoption of this Chapter by the owner of adjoining land which, when added to the original eligible nonconforming lot forms one or more lots complying with the area, shape, and frontage requirements of this Local Law. In such case no portion of the lot(s) so formed shall thereafter qualify as an eligible nonconforming lot under this Section, unless and until again made nonconforming by the adoption of a more stringent zoning law;

3) Acquisition after the date of adoption of this Chapter by the owner of the lot of adjoining land which, when added to the original nonconforming lot, reduces its nonconformity, but does not form a lot complying with the area, shape, and frontage requirements of this

Local Law. In such case, a new eligible nonconforming lot shall be formed which reflects the addition of the adjoining lot.

C) Nothing herein is intended or shall be construed to affect any requirement of this Local Law with respect to matters other than the area, shape and frontage of nonconforming lots. An eligible nonconforming lot shall be required to comply with all other requirements of this Local Law and with all other requirements of the Town, County, and State regarding the construction of principal and accessory structures.

§ 210-137. Completion of buildings under construction.

A) Any nonconforming building, the construction of which has been started before the effective date of this section, and the ground story framework of which, including the second tier of beams, has been completed within one year after the adoption of this section may be completed in accordance with plans on file with the Building Inspector/Zoning Administrator, provided that such construction is diligently prosecuted and the building is completed within three years of the adoption of this chapter or amendment.

§ 210-138. Signs.

A) Any sign which denotes a use that has ceased and/or which no longer identifies an existing business conducted or product sold on the premises shall be removed as required by §210-119.

B) A nonconforming sign may be changed only as follows:

1) To a conforming sign.

2) To a sign of similar or less nonconformity as determined by the Zoning Board of Appeals.

§ 210-139. Administration.

A) The Zoning Board of Appeals shall make any determination or interpretation as may be required to establish the conformity or non-conformity of any building, use or sign as set forth in this section.

B) Change of the use of land or structure to another nonconforming use may be made to a use of similar or less nonconformity as determined by the Zoning Board of Appeals. In its decision, the Zoning Board of Appeals shall use the following criteria:

1) A nonconforming use may be changed to another use within the same district or in a more restrictive district than the district in which the existing nonconforming use is permitted.

2) No change shall adversely affect the public health, safety and welfare, the character of the neighborhood or property values in the area of the use.

C) The applicant must meet the applicable off-street parking and landscaping requirements.

D) Site plan approval by the Planning Board shall be required for changes approved by the Zoning Board of Appeals in this section.

ARTICLE XI
ADMINISTRATION AND ENFORCEMENT

§ 210-140. General standards.

A) In accordance with the powers delegated to the Town Board of the Town of Poughkeepsie by

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§ 268, Town Law, the Town Board of the Town of Poughkeepsie does hereby appoint the Zoning Administrator of the Town of Poughkeepsie as the enforcement officer of the Town of Poughkeepsie Zoning Law and does hereby authorize, direct, delegate and empower said Zoning Administrator and his or her deputies, as the Zoning Administrator shall delegate, to enforce all provisions of said Zoning Law, except for those powers reserved for the Building Inspector and the Town Board as provided herein consistent with the statutory authority of § 268 of the Town Law.

B) No building permit or certificate of occupancy shall be issued by the Building Inspector or duly authorized deputies and no permit or license for any purpose shall be issued by any official of the Town if the same would be in conflict with the provisions of this chapter.

C) In the case of an irregular lot, the determination as to what constitutes a side or rear yard shall be made by the Zoning Administrator.

§ 210-141. Duties of Zoning Administrator.

A) Except as otherwise provided, it shall be the duty of the Zoning Administrator to enforce the provisions of this chapter and of all rules, site plans, special use permits, conditions and requirements adopted or specified pursuant thereto by the Zoning Board of Appeals and the Planning Board.

B) The Zoning Administrator or a duly authorized deputy shall have the right to enter upon any land at any reasonable hour in the course of their duties.

C) The Zoning Administrator shall keep a record of every identifiable complaint of a violation of any of the provisions of this chapter and of the action taken on each such complaint. These records shall be public records.

§ 210-142. Duties of Building Inspector and deputies.

A) The duties of the Building Inspector in regard to this Chapter shall be as set forth in Chapter 68 of the Town Code.

§ 210-143. Building permit.

A) Application for and issuance of building permits shall be as set forth in Chapter 68 of the Town Code. In the event of a conflict between the provisions of this Chapter and Chapter 68 the stricter requirements shall control.

B) No building permit shall be issued if such permit would be in conflict with the provisions of this chapter.

C) No building permit shall be issued for any building where the site plan of such building is subject to approval by the Planning Board *until such approval has been received* and *unless the plans are in* conformity with the plans approved by said Board.

D) No building permit shall be issued for a building to be used for any use in any district where such use is allowed by special use permit by the Zoning Board of Appeals unless and until such special use permit has been duly issued by said Board.

E) No building permit shall be issued if an area variance or use variance is required based upon the submitted plan and unless such variance(s) have been granted.

F) If a project has received site plan and/or subdivision approval, any amendments to the plans and specifications previously reviewed as part of site plan or subdivision application which accompany a building permit application must be approved by the Planning Board before a building permit is issued.

G) A building permit is required for change of use and/or occupancy of any building.

§ 210-144. Certificate of occupancy.

A) The issuance of a certificate of occupancy shall be as set forth in Chapter 68 of the Town Code. In the event of a conflict between the provisions of this Chapter and Chapter 68 the stricter requirements shall control.

§ 210-145. Penalties for offenses; emergencies.

A) A violation of this Chapter is hereby declared to be an offense punishable by a fine not exceeding $500 or imprisonment of a period not to exceed fourteen (14) days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than $500 nor more than $1,000 or imprisonment for a period not to exceed fourteen (14) days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than $1,000 nor more than $5,000 or imprisonment for a period not to exceed fourteen (14) days, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or regulations shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

B) Taking of emergency action. If, in the opinion of the Zoning Administrator, a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety or welfare of occupants of a building or to other persons, the Zoning Administrator may direct such violation immediately remedied or may take such action on her or his own initiative to abate the hazard. Any costs incurred by such action shall be paid by the owner, occupant or person responsible for the violation. The Zoning Administrator shall keep on file an affidavit stating with fairness and accuracy the items of expense, including actual time expended by Town personnel on such enforcement, and date of execution of action taken and is furthermore authorized to institute a civil suit, if necessary, against the person liable for such expense in a court of competent jurisdiction to recover said costs.

ARTICLE XII
ZONING BOARD OF APPEALS

§ 210-146. Zoning Board of Appeals established; duties.

A) Pursuant to Town Law, the Town Board shall appoint a Zoning Board of Appeals consisting of seven members, shall designate its Chairman and may also provide for compensation to be paid to said members and provide for such other expenses as may be necessary and proper. A member of the Zoning Board of Appeals shall not at the same time be a member of the Town Board. The Town Board shall have the power to remove any member of the Zoning Board of Appeals for cause and after public hearing. Pursuant to §10, Subdivision 1(ii)d(3), of the Municipal Home Rule Law, this chapter supersedes the provisions of Town Law §267, Subdivision 2, in its application to the Town of Poughkeepsie.

B) Terms of appointment. The members of the Zoning Board of Appeals shall be appointed for terms of seven years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board by appointment for unexpired term.

C) Rules of procedure. The Zoning Board of Appeals shall have the power to make, adopt and promulgate such written rules of procedures, bylaws and forms as it may deem necessary for the proper execution of its duties and to secure the intent of this chapter. Every rule, regulation and every amendment or repeal thereof shall be filed in the office of the Town

Clerk and shall be a public record. In addition to any other matters within its authority, the Zoning Board of Appeals is hereby authorized to promulgate rules regarding the following matters:

1) The day and time by which applications for new matters, and supplemental materials for pending matters, must be submitted to the Secretary of the Zoning Board of Appeals in order to be considered at the next meeting of the Board.

2) The number of copies of materials that must be submitted for new and pending matters.

3) The maximum number of applications that may be heard at a regular meeting of the Board.

4) The form of the applications for variance and interpretation requests including the use of a Long Form or a Short Form Environmental Assessment Form for certain matters.

5) The maximum length of time of a regular meeting of the Board.

6) The conduct of applicants and the public at meetings and public hearings of the Board.

D) Meetings.

1) All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine. The Chairman or his or her designee will administer oaths and compel the attendance of witnesses. All meetings of such Board shall be open to the public.

2) The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member on every question. If a member is absent or fails to vote, the minutes shall indicate such fact. Every order, requirement, decision or determination of the Zoning Board of Appeals shall be filed in the office of the Town Clerk and shall be a public record.

E) Referrals to the Planning Board. In connection with any appeal or application submitted to the Zoning Board of Appeals, said Board may transmit to the Planning Board a copy of said appeal or application for an advisory opinion. Upon such request the Planning Board shall submit a report of such advisory opinion within sixty-two (62) days of the receipt of the referral.

F) Public notice and hearing. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal, interpretation, special use permit, or other matter referred to it and give public notice thereof by the publication in the official newspaper of a notice of such hearing, at least ten (10) days prior to the date thereof, and shall, at least ten (10) days before such hearing, mail notice thereof to the owners of property within 200 feet of the parcel requesting relief. Such notice shall not be required for adjourned dates. The notice shall state the date, time, place and subject of the public hearing at which the application will be reviewed. Such notice shall not be required for adjourned dates. The records of the Receiver of Taxes of the Town of Poughkeepsie shall be deemed conclusive as to ownership, and the notice shall be deemed complete when deposited in a properly addressed, postpaid envelope in the United States mail. The Zoning Board of Appeals may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the application, including the prominent placement of one (1) or more signs on the premises that is the subject of the application notifying interested persons that an application is under consideration by the Board.

G) County Referral. Prior to action on an application for an area variance, a use variance, or a special use permit under this section a copy of said application shall be forwarded to the Dutchess County Planning Department for review pursuant to General Municipal Law 239-mn if the boundary of the property that is the subject of the application is located within five hundred (500) feet of:

1) The boundary of any city, village, or town; or

2) The boundary of any existing or proposed county or state park or other recreation area; or

3) The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or

4) The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or

5) The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or

6) The boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law.

H) Referral to Neighboring Municipalities. Pursuant to General Municipal Law GML §239-nn, for a use variance or a special use permit review under this section involving property located within five hundred (500) feet of an adjacent municipality notice of any public hearing shall be given by mail or electronic transmission to the clerk of the adjacent municipality not less than ten (10) days prior to the date of said hearing.

I) Notice to park commission and county planning board or agency or regional planning council. At least five (5) days before such hearing, the Zoning Board of Appeals shall mail notices thereof to the parties; to the regional state park commission having jurisdiction over any state park or parkway within five hundred (500) feet of the property affected by such appeal.

J) Agricultural data statement. An application for an area variance, a use variance, or a special use permit must also contain an agricultural data statement if any portion of the project is located on property within an agricultural district containing a farm operation, or other property with boundaries within five hundred (500) feet of a farm operation located in an agricultural district. The agricultural data statement shall contain the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district which contains farm property: and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

K) Assistance. The Zoning Board of Appeals shall have the authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board. Such department, agency or employee shall be reimbursed for any expenses incurred as a result of such assistance.

L) Decision. The Zoning Board of Appeals shall make a decision within 62 days after the final hearing. The concurring vote of the majority of all members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any official charged with the administration of the Zoning Chapter or to decide in favor of an applicant in any matter upon which it is required to pass under any ordinance or to effect any variation in the Zoning Chapter.

M) Default Denial. In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the Board is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision or determination of the enforcement officer within the time allowed by subsection K herein, the appeal shall be deemed as denied. The Board may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to a rehearing process.

N) Appeals. Any person or persons jointly or severally aggrieved by any decision of the Zoning Board of Appeals may apply to the Supreme Court for relief by a proceeding under Article 78 of the Civil Practice Act of the State of New York. Such proceeding shall be governed by the provisions of Article 78 of the Civil Practice Act, and must be instituted as provided within

30 days after the filing of a decision in the office of the Town Clerk. The court may take evidence or appoint a referee to take such evidence as it may direct and report the same with any findings of fact and conclusions of law if it shall appear that testimony is necessary for the proper disposition of the matter. The court at special term shall itself dispose of the cause on the merits, determining all questions which may be presented for determination. Costs shall not be allowed against the Zoning Board of Appeals unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making a decision appealed from.

§ 210-147. Appeals.

A) The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator or the Building Inspector under this Chapter in accordance with the procedures set forth herein.

B) Violations. Upon written report or receipt of a notice of violation or an order to cease and desist from the Zoning Administrator and/or Building Inspector for a violation of this Chapter, the Zoning Board of Appeals shall not review, hold public meetings or public hearings, and shall take no action regarding an application for area variance approval, use variance approval, or interpretation until notified by the Zoning Administrator and/or Building Inspector that such violation has been cured or ceased by the applicant. However, the Board may, upon written recommendation of the Zoning Administrator and/or Building Inspector, review and act on an application involving property for which there is a violation where such application is a plan to cure the violation and bring the property or use of the property into compliance with this Chapter.

C) Upon filing of a notice of appeal and payment of a filing fee by the appellant or applicant, the Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

D) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative officer charged with the enforcement of such ordinance or local law, from whom the appeal is taken, certifies to the Zoning Board of Appeals, after the notice of appeal has been filed with the administrative officer, that by reason of facts stated in the certificate a stay, would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and for due cause shown.

E) Time of Appeal. An appeal shall be taken within thirty (30) days after the filing of any order, requirement, decision, interpretation or determination of the administrative officer charged with the enforcement of such ordinance or local law, by filing with such administrative officer and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The cost of sending or publishing any notices relating to such appeal shall be borne by the appealing party and shall be paid to the Board of appeals prior to the date set for hearing on such appeal.

§ 210-148. Permitted Actions.

A) Interpretations. Upon the appeal from a decision by an administrative official, the Zoning Board of Appeals shall decide any question involving interpretation of any provision of this Chapter, including any determination of the exact location of any district boundary if there is uncertainty with respect thereto. The Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its

opinion ought to have been made in the matter by the administrative official. In making such determination, the Board shall have all of the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

B) Use Variances. The Zoning Board of Appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of this Chapter, shall have the power to grant use variances, as defined in the New York State Town Law. No use variance shall be granted by the Board without a showing by the applicant that zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals for each and every permitted use under the zoning regulations for the particular district where the property is located:

1) That the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence, and

2) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood, and

3) That the requested use variance, if granted, will not alter the essential character of the neighborhood, and

4) That the alleged hardship has not been self-created.

C) Use Variance Approval and Conditions. In granting a use variance the Zoning Board of Appeals shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and health, safety and welfare of the community. The Board may grant approval of a use variance on such conditions as the Board may find reasonable and necessary to preserve and protect the character of the neighborhood and the health, safety and welfare of the community. Said conditions shall be consistent with the spirit and intent of this Zoning Law, and shall be imposed for the purpose of minimizing any adverse impact such use variance may have on the neighborhood or community.

D) Area variances. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative officer charged with the enforcement of this Chapter, to grant area variances as defined in the Town Law. In making its determination, Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

1) Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;

2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

3) Whether the requested area variance is substantial;

4) Whether the proposed variance will have an adverse effect or impact on the physical or environment conditions in the neighborhood or district; and

5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

E) Area variance approval and conditions. In granting an area variance the Zoning Board of Appeals shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve

and protect the character of the neighborhood and health, safety and welfare of the community. The Board may grant approval of an area variance on such conditions as the Board may find reasonable and necessary to preserve and protect the character of the neighborhood and the health, safety and welfare of the community. Said conditions shall be consistent with the spirit and intent of this Zoning Law, and shall be imposed for the purpose of minimizing any adverse impact such area variance may have on the neighborhood or community.

F) Action following public hearing. Following public notice and hearing, the Zoning Board of Appeals may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal is taken.

G) Rehearing. A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the Board not previously reheard may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Board finds that any of the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

H) Denied and dismissed applications. No application for a variance shall be considered by the Zoning Board of Appeals within eighteen (18) months of the date of denial or dismissal of an appeal for the same or similar relief respecting the same property unless there appears on the face of the renewal application evidence of new or changed circumstances regarding the property and indicating that a rehearing of the matter is warranted.

I) Time Limit. The area variance and/or use variance approval shall be void if construction or the use is not started within one (1) year of the date of Zoning Board of Appeals approval, and completed within two (2) years of the date of such approval. A use variance shall be deemed to have expired when the use has ceased for a period of twelve (12) consecutive months.

J) Applications for special use permit, site plan, and subdivision approvals. Pursuant to §274-a(3), 274-b(3), and 277(3) of the New York State Town Law nothing herein shall be construed to prevent an applicant for special use permit, site plan, or subdivision approval from submitting an application for variance approval without first obtaining a decision or determination from the Building Inspector or Zoning Administrator.

§ 210-149. Special use permits.

A) Reviewing agency. Pursuant to Town Law section 274-b, subsection 2, the Zoning Board of Appeals is hereby empowered to review and approve, approve with modifications and/or conditions, or disapprove special use permit applications as provided in this Chapter.

B) General. All uses allowed subject to special use permit approval are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. Special permit uses are specifically declared to be allowed within the district in which they are located provided the Zoning Board of Appeals makes a written finding that the individual case meets the special use permit performance standards of this Chapter.

C) Approval required. Where special use permit approval is required by this Chapter, no Building Permit or Certificate of Occupancy shall be issued by the Building Inspector until such special use permit has been approved by the Zoning Board of Appeals as provided herein. In addition, no premises shall be occupied or used and no permanent Certificate of

Occupancy shall be issued until all of the requirements of this Chapter, and any conditions of special use permit approval have been complied with. All uses allowed by special use permit are subject to the requirements for site plan approval unless site plan approval is waived by the Planning Board as set forth herein. Where required as part of a special use permit, site plan review under this Chapter shall be conducted contemporaneously with the review of the special use permit application, and the Zoning Board of Appeals shall coordinate its review with the Planning Board's review of the site plan. No authorization is granted for a waiver of the requirement to obtain a special use permit, and no authorization is granted to separate the review of the special use permit from the review of the site plan.

D) Compliance. All applications for any use allowed subject to the issuance of a special use permit shall be accompanied by an affidavit executed by the owner of subject property that the proposed use will be constructed and operated in accordance with the standards and qualifications hereinafter set forth. The Zoning Board of Appeals shall not issue a permit to allow any use subject to the special use permit provisions of this Chapter unless said Board first finds that the use, as proposed, shall be in compliance with the standards set forth in this section.

E) Violations. Upon written report or receipt of a notice of violation or an order to cease and desist from the Zoning Administrator and/or Building Inspector for a violation of this Chapter, the Zoning Board of Appeals shall not review, hold public meetings or public hearings, and shall take no action regarding an application for special use permit approval until notified by the Zoning Administrator that such violation has been cured or ceased by the applicant. However, the Board may, upon written recommendation of the Zoning Administrator, review and act on an application involving property for which there is a violation where such application is a plan to cure the violation and bring the property or use of the property into compliance with this Chapter.

F) Non-complying uses deemed prohibited. Any use, which is unable to meet the performance standards required in this section, as determined by the Zoning Board of Appeals, shall be deemed a prohibited use and a special use permit shall be denied by said Board.

G) Applications. All applications for special use permit approval shall be in writing and on forms and in such quantity as may be prescribed by the Zoning Board of Appeals. No application shall be deemed complete until a Negative Declaration has been issued, or until a Draft Environmental Impact Statement has been accepted by the lead agency as satisfactory with respect to scope, content and adequacy.

H) Fees. An application for a special use permit shall be accompanied by an application fee as set by the Town Board. All application fees are in addition to any required escrow fees, and do not cover the cost of environmental review. The applicant shall be responsible for the total cost of environmental reviews that are determined to be necessary to meet the requirements of the State Environmental Quality Review Act (SEQRA). If the Board requires professional review of the application by designated private planning, engineering, legal or other consultants, or if it incurs other extraordinary expense to review documents or conduct special studies in connection with the proposed application, reasonable fees shall be paid for by the applicant and an escrow deposit will be required pursuant to this Chapter.

I) Time of decision. The Zoning Board of Appeals shall decide the special use permit application within sixty-two (62) days after the close of the public hearing, subject to compliance with the requirements of SEQRA and the General Municipal Law sections 239-l. and 239-m. In rendering its decision the Board shall approve, disapprove or approve with modifications and conditions the special use permit application. The time within which the Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Board shall be filed in the office of the Town Clerk within five (5) business days of the date such decision is rendered and a copy thereof shall be mailed to the applicant.

J) Time Limit. The special use permit approval shall be void if construction or the use is not started within one (1) year of the date of Zoning Board of Appeals approval, and completed within two (2) years of the date of such approval. Prior to its expiration, the special use permit approval may be renewed by request of the applicant for up to two (2) additional ninety (90) day periods. A special use permit shall be deemed to have expired when the use has ceased for a period of twelve (12) consecutive months.

K) Compliance with SEQRA. The Zoning Board of Appeals shall comply with the provisions of the SEQRA under Article 8 of the Environmental Conservation Law and 6 NYCRR 617.

L) Criteria for allowing special use permits.

1) General provisions. Special uses are hereby declared to possess characteristics which require that each specific use shall be considered an individual use. Any use for which a special use permit is granted by the Zoning Board of Appeals shall be deemed a use permitted in the district in which located, except that for any additional use or enlargement of such use, a separate special use permit shall be required for each addition or enlargement. The proposed special use must meet all the conditions of that use including basic use regulations specified in this chapter and as the Zoning Board of Appeals may apply to any approval.

2) Required plan. A plan for the proposed development of a site for a permitted conditional use shall be submitted with the application for a special use permit to the Zoning Board of Appeals, and such plans shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed special use meets with the requirements of this chapter.

3) Basis for deliberation, general provisions. Before issuing a special use permit, the Zoning Board of Appeals shall take into consideration the public health, safety and welfare and shall assure itself of the following:

a) That there shall not be any detrimental effect by the establishment of such use on other uses within the district.

b) That such use will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls, fences and parking areas will not discourage the appropriate development and use of adjacent lands.

c) That all structures, equipment and materials shall be reasonably accessible for fire and police protection.

d) That the use meets the prescribed requirements for the district in which located, including minimum yard requirements for the district in which located or as further specified in this section and including maximum height, required off-street parking and sign regulations.

M) Special Use Permit Performance Standards. In granting any special use permit, the Zoning Board of Appeals shall take into consideration the public health, safety and general welfare of the Town, and the comfort and convenience of the public in general, in the Town and of the immediate neighborhood in particular. The Board may require modifications and/or conditions to an application, including submission of alternative design and layout proposals, and may attach reasonable conditions and safeguards on its approval to eliminate or minimize potential impacts on surrounding properties and the community in general as a condition of its approval. Before making a decision on whether to approve, approve with modifications, or disapprove a special use permit, the Zoning Board of Appeals shall give specific consideration to the following standards and the Zoning Board of Appeals is hereby authorized to use its discretion to determine whether one (1) or more of these standards apply to any particular application:

1) Noise. The maximum noise level at the property line applicable to the use involved shall not exceed the maximum established under Chapter 139 of the Town Code.

2) Discharge of water. No polluting or objectionable waste shall be discharged into any stream or other natural drainage channel or upon the land that will in any way interfere with the quality, operation or continuation of these natural systems or contribute to their despoliation.

3) Traffic access. All proposed traffic access ways shall be adequate but not excessive in number; adequate in width, grade and alignment and visibility; shall be sufficiently separated from street intersections and other places of public assembly; and shall meet other similar safety considerations.

4) Parking. Adequate off-street parking and loading spaces shall be provided in accordance with the off-street parking and loading requirements of this Chapter. Shared parking is encouraged where the peak parking demands of different uses occur at various times of the day. Use of a widely accepted means of projecting demand for shared use, such as the Urban Land Institute's Shared Parking report, may be employed to demonstrate shared parking effects.

5) Circulation. The interior circulation system shall be adequate to provide safe accessibility to all required off-street parking, and to provide for the convenience and safety of vehicular, pedestrian, and bicycle movement within the site and in relation to adjacent areas or roads.

6) Landscaping and screening. All parking and service areas shall be reasonably screened during all seasons of the year from the view of adjacent residential lots and streets and the general landscaping of the site should be in character with that generally prevailing in the neighborhood. Existing trees twelve (12) inches or more in diameter at breast height (dbh) should be preserved to the maximum extent practical.

7) Character and appearance. The character and appearance of the proposed use, buildings, structures, outdoor signs, and lighting shall be in general harmony with the character and appearance of the surrounding neighborhood, and shall not adversely affect the general welfare of the inhabitants of the Town.

8) Historic and natural resources. The proposed use shall be designed and should be carried out in a manner that minimizes impacts to protect historic and natural environmental features on the site under review and in adjacent areas.

9) Sewage Treatment and Water Supply. The adequacy of available sewage disposal and water supply services supporting the proposed activity or use shall be sufficient to meet the needs of the proposed activity or use. This consideration should be given to both including, but not be limited to, the suitability of water supply and sanitary sewage facilities to accommodate the intended use, and the adequacy of measures to protect surface and groundwater from pollution.

10) Size and scale. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, and the size of the site in relation to the use, its site layout and its relation to existing and future access streets should be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, or conflict with the normal traffic of the neighborhood.

11) The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

12) Additional safeguards and conditions. The Zoning Board of Appeals shall impose

additional conditions and safeguards upon the special use permit as may be reasonably necessary to assure continual conformance to all applicable standards and requirements, including temporary limitations and reasonable assurances that these standards and requirements conditions and safeguards can be responsibly monitored and enforced.

N) Criteria for revocation of special use permits after notice of violation.

1) The owner of the premises subject to the special use permit shall be afforded a public hearing, upon 10 days' notice, before the Zoning Board of Appeals or a hearing officer designated by the Zoning Board of Appeals to determine whether or not the special use permit heretofore issued has been violated.

2) The owner of said property shall be advised, in writing, of the factual allegations which constitute a violation of the terms of the special use permit or of the conditions upon which the special use permit was issued.

3) The owner of the property shall have the opportunity to appear, with or without counsel, and present witnesses and evidence on his or her behalf.

4) The Zoning Administrator of the Town of Poughkeepsie or his or her designee shall present the facts and evidence upon which the allegations of the violation of a special use permit or the terms of a special use permit have been violated, with the assistance of the Town Attorney's office.

5) The Zoning Board of Appeals, within 30 days after receipt of the record or the hearing officer's report, shall issue a written decision, which must be adopted by a majority of the Zoning Board of Appeals, as constituted. If a hearing officer must issue his or her report which will consist of a finding of facts with recommendations, within 20 days after receipt of the record, thereafter the Zoning Board of Appeals will have 30 days in which to issue its decision.

6) The decision of the Zoning Board of Appeals must be in writing and state whether or not a valid special use permit was issued; whether or not the terms of the special use permit were violated; and whether or not the conditions upon which the special use permit was violated and, in the event of a violation, issue an order revoking the special use permit on a temporary or permanent basis or issue an order effectuating such other remedy that may be appropriate under the circumstances as determined in the discretion of the Zoning Board of Appeals.

ARTICLE XIII
PROCEDURES AND STANDARDS FOR SITE PLAN APPROVAL

§ 210-150. General regulations.

A) Purpose. The purpose of this section is to provide regulations governing the standards for review and design, and due process, for site plan approval. These regulations are designed to protect the community from undue traffic congestion, excessive noise, flooding, excessive soil erosion, excessive odors and other forms of pollution; to provide for design that will be in harmony with the appropriate and orderly development of the district in which it is located; and to ensure that the impact of new development and redevelopment are mitigated by compliance with reasonable conditions. The Town of Poughkeepsie values the mixed-use character of the Town, and wishes to encourage residential and non-residential growth involving reuse of existing structures and development of new structures in a manner that is protective of the historic, scenic, and environmental character of the Town. These regulations are also designed to ensure that land development conforms to the Town's planning goals and objectives as expressed in its Town Plan.

B) Approval required. Where site plan approval is required by this chapter, no building permit and, in the case of a change of use, no certificate of occupancy shall be issued by the Building Inspector until such a plan shall have been approved by the Planning Board and the signature of the Planning Board Chairman has been affixed to the approved site plan. No certificate of occupancy shall be issued for until all of the requirements of the Planning Board's approval, including any conditions attached thereto, have been met.

1) Site Plan Approval by the Planning Board, in accordance with this Article, is required for the following uses and activities:

a) All uses and uses accessory thereto which require site plan approval as set forth in this Chapter.

b) Any change of use involving a conforming use to another conforming use.

c) Any change of use involving a non-conforming use to another non-conforming use.

d) A change to an approved site plan and an approved subdivision plat where site plan approval was required.

e) Activities for which a use variance has been granted by the Zoning Board of Appeals.

C) Exemptions. The following activities are exempt from Site Plan Approval:

1) Construction, extension or alteration of a single-family residential dwelling and accessory structures thereto on a lot legally in existence as of the date of adoption of this Chapter;

2) Construction of a single-family residential dwelling on a lot located in the R-4A, R-2A, and R-20,000 districts approved by the Planning Board for residential purposes pursuant to Chapter 177 of the Town Code;

3) The seasonal planting, cultivation and harvesting of field crops, fruits, vegetables, and horticultural specialties, including nursery stock, ornamental shrubs, and ornamental trees and flowers, whether as part of an existing or a new or expanded agricultural operation, and not involving the construction or alteration of any structure.

4) Construction, extension, expansion or alteration of the interior of a building or structure;

5) Routine property maintenance activities, including repainting, repair, and in-kind replacement, so long as the physical appearance of the structure remains unchanged as to color and materials.

D) De minimus activities.

1) In the case of certain construction activities that would otherwise require site plan approval by the Planning Board the Building Inspector is hereby authorized to issue building permits for construction of a new structure, after review and recommendation by the Town Planner and without site plan approval by the Planning Board, provided:

a) The activity involves the construction of not more than two-hundred (200) gross square feet of new construction for a use that is permitted in the district in which the property is located; and

b) The existing use of the property is a conforming use; and

c) The property is located in a business or a commercial district; and

d) The lot and all existing and proposed structures comply with the minimum lot and bulk requirements for the district in which the lot is located, or area variances have been issued by the Zoning Board of Appeals; and

e) The new construction is one of the following listed activities:

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(i) Enclosure of equipment and storage buildings/shed.

(ii) Enclosure of access vestibules.

(iii) Enclosure of fire access.

(iv) Enclosure of loading docks.

(v) Enclosure of sidewalks.

(vi) Enclosure of refuse containers.

(vii) Installation of a freestanding or a wall mounted sign.

2) In the case of such de minimus construction the Building Inspector shall refer the application for a building permit to the Town Planner, who shall review the application and issue a written recommendation to the Building Inspector that the Building Permit should be issued, with or without conditions; or issue a recommendation that the application should undergo full site plan review by the Planning Board pursuant to this section. In reviewing the application the Town Planner shall consider the following:

a) The potential effect of the new construction on drainage, landscaping, parking, and architectural consistency with other structures located on the site.

b) Whether the site contains one or more non-conformity with the use regulations for the district in which the site is located.

c) Whether the site contains one or more non-conformity with the area and bulk regulations for the district in which the site is located.

d) Whether the new construction would comply with the area and bulk regulations for the district in which the site is located.

e) Whether additional site improvements would be required to correct an existing condition that is causing on-site or off-site flooding, and/or a hazard to pedestrian or vehicle movement, and/or a nuisance related to lighting or landscaping.

f) Whether the color, size, scale and massing of the new construction is consistent with the appearance of other structures on the site that have been approved by the Planning Board.

3) In the case of a use conversion which does not require additional construction or site modifications in accordance with the provisions of this chapter, the Town Planner may determine that the site plan application procedures outlined herein are not applicable.

E) Site Plan Approval Waiver. In the case of a use conversion which does not require additional exterior construction or site modifications, or in the case of a site plan change involving less than 400 square feet of new construction, the Planning Board may determine that the site plan application procedures outlined herein are not applicable and may waive the requirement of a site plan review, in whole or in part,, provided the Board determines:

1) The proposed change in use or site plan change will not result in additional traffic generation, waste water flows, water consumption, or additional employees, and

2) The proposed change in use or site plan change will not affect pedestrian and traffic circulation, eliminate parking, or alter the height of the exterior façade; and

3) The lot and all existing and proposed structures comply with the minimum lot and bulk requirements for the district in which the lot is located, or area variances have been issued by the Zoning Board of Appeals.

4) This determination shall be made to the Building Inspector, in writing, after decision of the Planning Board.

F) Information Waiver. The Town Planner or the Planning Board may grant a waiver from the

information requirements contained herein where it determines that such information is not relevant to, or is not otherwise required, to conduct the review of the application.

G) State Environmental Quality Review Act. No application for site plan approval shall be deemed complete until a Negative Declaration has been issued, or until a Draft Environmental Impact Statement has been accepted by the lead agency as satisfactory with respect to scope, content and adequacy. Nothing herein shall be construed to preclude or prohibit the Planning Board from convening a public hearing on an application for site plan approval provided the Board has determined that the application contains sufficient information and descriptive data to allow for an informed public review.

H) Greenway compact. The Planning Board shall use its discretion to implement the design standards as set forth in "Greenway Connections".

I) Fees. An application for a site plan approval shall be accompanied by an application fee as set by the Town Board. All application fees are in addition to any required escrow fees, and do not cover the cost of environmental review. The applicant shall be responsible for the total cost of environmental reviews that are determined to be necessary to meet the requirements of the State Environmental Quality Review Act (SEQRA). If the Board requires professional review of the application by a designated private planning, engineering, legal or other consultants, or if it incurs other extraordinary expense to review documents or conduct special studies in connection with the proposed application, reasonable fees shall be paid for by the applicant and an escrow deposit may be required by the Planning Board.

J) Violations. No site plan approval shall be issued for any use or new construction where there is on the subject property an existing violation of any chapter of the Town of Poughkeepsie Code or the New York State Building Code. Further, upon written report or receipt of a notice of violation or order to cease and desist from the Zoning Administrator and/or Building Inspector, the Planning Board shall not review, hold public meetings or public hearings, or take action regarding an application for site plan approval until notified by the Zoning Administrator and/or Building Inspector that such violation has been cured or ceased by the applicant. However, the Planning Board may, upon written recommendation of the Zoning Administrator and/or Building Inspector, review and act on an application involving property for which there is a violation where such application is a plan to cure the violation and bring the property or use of the property into compliance with the Town Code.

§ 210-151. Application procedures; application review.

A) Site Plan Application. An application for site plan approval shall be submitted to the Town Planning Department on forms provided by the Department for such purpose. The application form shall be completed by the applicant, and the owner, as required, and shall be accompanied by a site plan map as provided herein. The site plan shall use as a base map an accurate boundary and topographic survey of the property depicting all existing improvements and site topography, and shall be prepared by a licensed land surveyor, a professional engineer, a landscape architect, or an architect licensed by the State of New York. The site plan map shall include the following information:

1) Site Plan application form must be completed in full.

2) A consent of property owner(s) form must be completed in full with original signature(s).

3) Fourteen (14) Full Environmental Assessment Forms must be completed in full.

4) Fourteen (14) <u>folded</u> copies of the plot plan at a scale of not less 1 inch = 50 feet on a 24" x 36" sheet. Also, fourteen (14) copies of the plot plan, landscape plan and the elevations reduced in scale on an 11" x 17" paper <u>in addition to</u> the full size set of plans.

5) Submit three (3) photographic enlargements at a minimum scale 1 inch = 100 feet. Label project name and grid number. Clearly outline subject parcel, street that it is on, and abutting streets.

6) The plans are to contain the following information:

a) The stamp and signature of the professional engineer, registered architect, or landscape architect responsible for the preparation of the plan.

b) An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivision, streets and easements within 500 feet of applicant's property.

c) Title of the project in lower right corner.

d) Location map: approximate scale 1 inch = 400 feet. (Tax map is acceptable).

e) North point, scale and date.

f) Dimensions of the lot.

g) Screening and landscaping: label existing, proposed and required (include plant species and size).

h) Existing and proposed building height.

i) Ingress and egress: required and proposed.

j) Location, dimension, and number of off-street parking and loading areas and traffic aisles, with required and proposed parking for a building addition or alteration depicted separately from required parking for total parcel.

k) Location and dimension of handicapped parking: required and proposed.

l) Dimensions of all buildings, existing and proposed.

m) Total building area and square footage of each floor.

n) Zoning designation of the parcel and the zoning designation of all adjacent parcels.

o) A data table listing the minimum and maximum area and bulk regulations for the zoning district together with a list of the proposed lot and area dimensions.

p) Names of all abutting streets and names of all abutting landowners.

q) Location of existing and proposed utilities, drainage, landscaping, lighting, and erosion control.

r) Location and dimension of existing and proposed retaining walls, fences, location and sizes of signs.

s) Existing and proposed contours of the lots at two (2) foot intervals.

t) Elevations at the corners of the buildings.

u) Location and dimension of Truck loading areas.

v) Proposed development of all open spaces including parks, playgrounds and open recreations.

w) If required, a storm water pollution prevention plan (SWPPP) consistent with the requirements of Chapter 173, Part 2, Articles II, III and IV. The SWPPP shall meet the performance and design criteria and standards set forth in Chapter 173, Part 2, Articles III and IV. The approved site plan shall also be consistent with the provisions of Chapter 173, Part 2, Stormwater Control.

B) Planning Department review. Applications for site plan approval which have been reviewed

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by the Town Planning Department shall be presented to the Planning Board 24 days prior to a scheduled public meeting. Such application shall be made prior to making application for a building permit.

C) Public review; public hearing. Except those applications for which the Planning Board has waived site plan review, within sixty-two (62) days of receipt of a complete application, the Planning Board may hold a public hearing. If the Board determines that a public hearing will be held notice of the public hearing shall be published in the official newspaper at least ten (10) days prior to the date set for public hearing, and shall at least ten (10) days before such hearing mail notice thereof to the owners of property within 200 feet of the property that is the subject of the application. The notice shall state the date, time, place and subject of the public hearing at which the application will be reviewed. Such notice shall not be required for adjourned dates. The records of the Receiver of Taxes of the Town of Poughkeepsie shall be deemed conclusive as to ownership and the notice shall be deemed complete when deposited in a properly addressed postpaid envelope in the United States mail. The Planning Board may also provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the application, including the prominent placement of one (1) or more signs on the premises that is the subject of the application notifying interested persons that an application for a site plan approval is under consideration by the Board.

D) County Referral. Prior to action on an application for site plan approval under this section a copy of said application shall be forwarded to the Dutchess County Planning Board for review pursuant to General Municipal Law 239-m if the boundary of the property that is the subject of the application is located within five hundred (500) feet of:

1) The boundary of any city, village, or town; or

2) The boundary of any existing or proposed county or state park or other recreation area; or

3) The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or

4) The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or

5) The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or

6) The boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law.

E) Referral to Neighboring Municipalities. Pursuant to General Municipal Law §239-nn, for a site plan permit review under this section involving property located within five hundred (500) feet of an adjacent municipality notice of any public hearing shall be given by mail or electronic transmission to the clerk of the adjacent municipality not less than ten (10) days prior to the date of said hearing.

F) Agricultural data statement. An application for site plan approval must also contain an agricultural data statement if any portion of the project is located on property within an agricultural district containing a farm operation, or other property with boundaries within five hundred (500) feet of a farm operation located in an agricultural district. The agricultural data statement shall contain the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district which contains farm property: and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

G) Time of Decision. Within sixty-two (62) days of close of the public hearing, or within sixty-

two (62) days of receipt of a complete application for which the Board has determined that a public hearing will not be held, the Planning Board shall approve, approve with modifications, or disapprove the site plan application. A copy of the Planning Board's decision shall be filed in the Office of the Town Clerk within five (5) days of the date of such decision, and a copy shall be mailed to the applicant. In acting to approve, with or without modifications, a site plan application, the Planning Board may attach such conditions and safeguards as it deems necessary to assure that the purpose and intent of these regulations are complied with. Within sixty (60) days of the date of approval or approval with modifications, the applicant shall present to the Planning Board a corrected final site plan in reproducible form, including any modifications required by the Planning Board as a condition of approval. Upon verification by the Planning Board that the plan complies with the requirements of the approval, the plan shall be endorsed by the Planning Board Chairperson and filed with the Planning Board and the Building Inspector. The site owner or applicant shall not commence any site preparation, including but not limited to tree removal, removal of soil, grading, stockpiling of soil or other construction material, until the final site plan has been endorsed by the Planning Board Chairman.

H) Decision. In rendering its decision concerning any site plan application, the Planning Board shall consider the design standards for the zoning district in which the lot is located, and shall consider the nature, arrangement and appearance of all proposed structures, improvements and uses of the lot, including their potential impact on adjacent properties, architectural features and land uses such that:

1) They will have a harmonious relationship with the existing and planned development of contiguous lands and adjacent neighborhoods.

2) They will have no material adverse effect upon the desirability of such neighborhoods for the uses contemplated by this Chapter.

3) They will be properly related to the uses, goals and policies for land development as expressed in the Town Plan.

4) Pedestrian and vehicular access, traffic circulation and the general layout of the site are properly planned with regard to the safety of vehicles and pedestrians using the site, as well as those on neighboring properties and streets.

5) New structures will be sited to take advantage of solar access insofar as practical, including the orientation of proposed buildings with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off the site, and the impact of solar access to adjacent uses and properties.

6) The site plan shall reflect an awareness of and sensitivity to the views, terrain, soils, plant life and other unique qualities of the site and shall, to the extent practical, preserve and enlarge upon these assets for recreation, scenic or conservation purposes.

I) Time Limit. The site plan approval shall be void if construction is not started within one (1) year of the date of Planning Board approval, and completed within two (2) years of the date of such approval. Prior to its expiration, the site plan approval may be renewed by request of the applicant for up to two (2) additional ninety (90) day periods.

J) Surety. In order to insure the full and faithful completion of all construction activities related to compliance with all conditions set forth by the Planning Board in its issuance of a Site Plan Approval, the owner/applicant shall provide, prior to construction, a surety, in a form acceptable to the Town Attorney, which shall guarantee the satisfactory completion of the project and names the Town as the beneficiary. The applicant shall file the surety in an amount fixed by the Planning Board in its resolution as sufficient to secure to the Town the satisfactory construction, installation and completion of the required improvements with the Town Board. Such surety shall state the period within which the required improvements must be completed, which period shall be that specified in the Planning Board resolution.

All improvements shall be done to the satisfaction of the Planning Board, in accordance with the approved plans and the requirements of this Chapter and any other Town construction standards and specifications. In addition, the owner/applicant shall name the Town as an additional insured on all workmen's compensation and general liability insurance policies required to perform the work. The Planning Board may, at its discretion, waive the provisions of this section if other circumstances guarantee and secure completion of required improvements.

1) The period specified for the completion of all required improvements, as set forth in the bond or equivalent security, may be extended only by resolution of the Town Board upon receipt of a recommendation from the Planning Board and upon request by the applicant with the written consent of the surety company setting forth in detail the amount of work which has been completed, reasons for failure to complete the remainder of the work within the specified period, the maximum estimated time required to complete the remainder of the work and the time period extension which is requested.

2) If, at any time, either before or during the course of construction of the required improvements, it is determined by the Town Board that unforeseen conditions make it necessary to modify the location or design of any improvements, the Board, with the concurrence of the Planning Board, may modify the terms and conditions of the approval so as to require such changes as may be necessary to comply with the spirit and intent of the Town Board's original approval and to conform to accepted engineering practices. If such modification affects the scope of work covered by a bond or equivalent security, the Town Board may require or allow appropriate modification of such bond or equivalent security.

K) Site Plan Amendments. The Planning Board shall review any amendment to a previously approved site plan by following the procedures specified in this section and may grant waivers from the information and procedures specified herein where the Board has determined that the proposed amendment does not warrant a full site plan review or a public hearing. In addition, an amendment of a site plan that was approved as part of an application for special use permit approval shall be reviewed by following the procedures specified in this section without the necessity of following the procedures in §128-69 where the use for which the special use permit was granted has not and will not change as a result of the site plan amendment.

L) Appeals. Any person aggrieved by any decision of the Planning Board may apply to the Supreme Court for review pursuant to §274-a of the Town Law.

M) Inspections. The Town Engineer shall be responsible for inspecting required improvements during construction to ensure their satisfactory completion and, upon such completion, shall furnish the Planning Board with a statement to that effect. The applicant shall pay to the Town the costs of said inspection, to defray the costs of the inspection. If the Town Engineer determines that any of the required improvements have not been constructed in accordance with the approved plan, the applicant shall be responsible for correcting and properly completing said improvements. Failure of the Town Engineer to carry out inspections of required improvements during construction shall not in any way relieve the applicant or the bonding company of their responsibilities related to the proper construction of such improvements.

N) Enforcement of approved site plans. The applicant, the landowner, and the contractor are all responsible for the successful implementation and completion of an approved site plan, including, but not limited to:

1) Installation and maintenance of erosion control measures and/or a SWPPP as depicted on the approved plan; and

2) Protection and preservation of non-disturbance areas, whether temporary or permanent, as depicted on the approved plan; and

3) Reclamation of disturbed areas as depicted on the approved plan; and

4) Installation and completion of site improvements in the location(s) and in the manner as depicted on the approved site plan unless approved as a "field change" amendment by the Town Engineer, the Director of the Planning Department, or Planning Board as the case may be; and

5) Implementation and completion of environmental mitigation measures as required under any Negative Declaration or Findings Statement adopted for the project pursuant to Article 8 of the Environmental Quality Review Act (SEQRA), whether such mitigation measures are depicted on the approved site plan or not; and

6) Implementation and completion of any other permits and approvals issued by any other agency.

O) Responsible parties. The applicant, the landowner, and the contractor shall be jointly and severally liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with the approved site plan. Approval of the site plan and commencement of any work related to the approved plan shall constitute express permission by the applicant and the landowner for the Director of the Planning Department and/or her designee(s), or other authorized Town officials, to enter the property for the purposes of inspection for compliance with the approved site plan, whether or not any other permits have been applied for or issued for the project. The approval of the site plan and the commencement of work related to the approved plan is an express waiver of any objection to authorized Town official(s) entering the property for the purpose of conducting an inspection.

P) Nuisance. Any deviation from the approved site plan, unless prior approved as a "field change" amendment, shall be deemed a public nuisance and may be restrained by an order to stop work, and/or injunction, and/or direct action by the Director of the Town Planning Department and/or her designee(s), or other authorized Town officials, to abate the condition, and/or in any other manner provided by law. The Director may issue a "stop-work" order for the entire construction and site work/disturbance project, or any specified portion thereof, if the Director determines that any of the following conditions exist:

1) The erosion control measures and/or a SWPPP as depicted on the approved plan are not, or have not, been implemented or are not being properly maintained; and

2) Non-disturbance and protected buffer areas as depicted on the approved plan are not, or have not, been adequately protected and preserved; and

3) Disturbed areas are not, or have not, been reclaimed as depicted on the approved plan; and

4) Site improvements are not, or have not, been installed in the location(s) and in the manner as depicted on the approved site plan and no approval for a "field change" amendment has been issued; and

5) Environmental mitigation measures required for the project pursuant to Article 8 of the Environmental Quality Review Act (SEQRA) are not, or have not, been implemented; and

6) Other required permits and approvals from any other agency have not been issued or obtained by the applicant, the landowner, or the contractor.

Q) Notice of violation. For purposes of this section, a stop work order is validly posted by posting a copy of the order on the site of the construction or site work/disturbance activity in reasonable proximity to said construction or site work/disturbance, and in a location where the posted order is visible. Additionally, a copy of the order, in the case of work for which a permit has been issued, shall be mailed by first class mail, certified return receipt, and one copy of the order shall be mailed by regular first class mail, to the address listed by the

applicant and to the landowner as the case may be. In the case of work for which no permit has been issued, a copy of the order shall be mailed by first class mail, certified return receipt, and one copy of the order shall be mailed by regular first class mail, to the person listed as owner of the property according to the latest roll maintained by the Town Assessor's Office. If the applicant and/or the landowner does not immediately cease the activity and comply with the provisions of this Chapter within one (1) day of the date of the order, the Director may request that the Town Attorney seek injunctive relief. In addition, the Directory may revoke all or any portion of any other permits issued in accordance with the Town Code, including building permits, affecting the property. Upon a showing of compliance with the terms of this Chapter and proper implementation of the approved site plan, the Director may reinstate any other permit(s) that may have been revoked.

R) As-built plans. At the completion of construction, and prior to issuance of a Certificate of Occupancy, the owner/applicant shall provide to the Planning Board and the Building Inspector a certification prepared by a professional engineer licensed by the State of New York that all site work has been carried out and completed in substantial compliance with the approved Site Plan for the project. Additionally, the applicant shall provide to the Planning Board and the Building Inspector an "as built" survey of the completed development.

S) Site maintenance. The premises for which a site plan has been approved shall, at all times, be maintained in accordance with the approved site plan. Failure to keep the premises in a condition that is consistent with the approved site plan may result in a revocation of the Certificate of Occupancy for the premises. Development projects may periodically be inspected for conformance to the approved site plan, including maintenance of the landscaping and plantings required as part of the site plan approval. If there is non-conformance to the approved site plan, or if any of the conditions of site plan approval are not fulfilled, no Certificate of Occupancy shall be issued. Where a development project reverts to non-conformance with the approved site plan after issuance of the Certificate of Occupancy or Certificate of Completion, the non-conformance shall be deemed a violation of this Chapter.

§ 210-152. Planning Board standards for site plan approval.

A) Site Plan Design Standards. The following standards are intended to provide a framework for development within which the site designer is free to exercise creativity, invention, and innovation while recognizing the general historic, scenic and visual qualities inherent to the Town of Poughkeepsie with a particular emphasis on compatibility with the surrounding neighborhood. These standards, together with the Design Standards for the district in which the property is located, shall be considered by the Planning Board during the review of any application requiring site plan approval under this Chapter. The Planning Board is hereby authorized to use its discretion to determine whether one or more of these standards apply to a particular application. The Planning Board is also authorized to use its discretion as to the applicability of these guidelines to re-development projects involving the conversion or the rehabilitation of existing structures and previously disturbed land areas. The specific application of these standards, the district Design Standards, or any other standard established by this Chapter to an application pending before the Planning Board shall be determined solely by the Planning Board. The Zoning Board of Appeals shall have no appeal or interpretative review authority regarding these standards or the application of these standards to a particular property or development project by the Planning Board. In the event of a conflict between any of the standards of this section and the requirements or the standards of another section of this Chapter, the more restrictive of the conflicting standard, provision or regulation shall apply unless otherwise waived or modified by the Planning Board.

1) Relationship of Structures and Buildings to Site

a) In the site plan design, consideration shall be given to the use of existing building forms and layouts which are evidence of the distinctive historic development of the area and, in particular, of any specially designated or recognized scenic and historic districts within the vicinity of the proposed development. The importance of local historic, architectural, environmental and other features of significance to the property and of nearby properties, should be recognized as an integral element in the review process.

b) The site shall be planned to accomplish a desirable transition with the streetscape to provide for adequate planting, safety and economy of pedestrian movement, and safe ingress and egress and parking for vehicles.

c) Site planning in which setbacks and yards are in excess of the minimum area and bulk requirements is encouraged to provide a variation in relationship between buildings.

d) Parking shall, unless determined by the Planning Board to be infeasible, be located to the rear or sides of buildings so as not to interfere with the front landscape treatment.

e) Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and the existing, or anticipated, adjoining buildings. The Planning Board should determine the visual compatibility of a proposed use or site plan change including concerns for the proportion of the front façade, proportion and arrangement of windows and other openings within the façade (i.e. fenestration), roof shape, and the rhythm and spacing of structures along the street front or roadway including consideration of setbacks and the treatment of yards.

f) The Planning Board should encourage the use of a combination of common materials, landscaping, buffers, screens and visual interruptions to create attractive transitions between buildings of different architectural styles.

g) Newly installed and renovated utility services, and service revisions necessitated by exterior alterations, shall be underground unless otherwise allowed by the Planning Board.

2) Relationship of Non-Residential Uses to Residential Districts

a) Site plans proposed for non-residential uses adjacent to a residential district shall be reviewed with regard to the impact of the development on that district. The Planning Board is hereby expressly authorized to require such additional front, side and rear yard setbacks as may be required to ensure that the non-residential use does not interfere with the quiet enjoyment of neighboring residential property located within a residential district.

b) Buildings, parking areas, and loading areas associated with non-residential uses, shall be required to meet the following setbacks:

(i) If the property proposed for development is located in a Center, a Hamlet, a Business, or a Commercial district, and is one (1) acre or less in size, and adjoins property located in a residential district, all site improvements shall be set back not less than fifty (50) feet from the adjacent residential lot line.

(ii) If the property proposed for development is located in a Center, a Hamlet, a Business, or a Commercial district, and is greater than one (1) acre but not more than two (2) acres in size, and adjoins property located in a residential district, all site improvements shall be set back not less than sixty-five (65) feet from the adjacent residential lot line.

(iii) If the property proposed for development is located in a Center, a Hamlet, a

Business, or a Commercial district, and is greater than two (2) acres in size, and adjoins property located in a residential district, all site improvements shall be set back not less than one hundred (100) feet from the adjacent residential lot line.

(iv) The Planning Board is authorized to use its discretion to establish alternate landscape buffer setbacks by up to fifty (50%) percent for adaptive reuse and re-development projects involving the conversion or the rehabilitation of existing structures, or where site conditions (i.e. steep slopes) already provide a sufficient buffer.

c) The setbacks are intended to provide a visual and noise buffer between residential and non-residential uses and shall landscaped to a depth of not less than twenty-five (25) feet in a location as approved by the Planning Board. The setback shall be planted with a mixture of evergreen and deciduous plantings, or fencing, at a height so as to provide, as much as practicable, a visual screen of the non-residential improvements from residential uses. The species type, location and planted height of such landscaping shall be subject to the approval of the Planning Board. The setback area shall be permanently preserved by recorded deed instrument in a form approved by the Town Attorney, and which shall provide for Town enforcement of said restriction.

3) Landscape, Buffering and Site Treatment

a) Where practicable, natural or existing topographic features and patterns that contribute to the beauty and character of a site or neighborhood should be preserved.

b) Grades of walks, parking spaces, terraces, and other paved areas should provide an inviting appearance and should be of such width, as determined by the Planning Board, to easily accommodate pedestrian movement.

c) Landscape treatment shall be provided to enhance architectural features, strengthen vistas and visual corridors and provide shade.

d) Unity of design shall be achieved by repetition of certain plant varieties and other materials and by coordination with adjacent developments.

e) Plant material shall be selected for interest in its structure, texture and color and in consideration of its ultimate growth pattern. Vegetation indigenous to the area and others that will be harmonious to the design and exhibit a good appearance should be used.

f) In locations where plants will be susceptible to injury by pedestrian or motor traffic, appropriate curbs, tree guards, or other devices, shall be installed and maintained. The Planning Board may require the use of markers to delineate curbing and other sensitive features to alert snowplow operators of the existence of such features and curbing.

g) Parking areas and traffic ways shall be enhanced with landscaped islands, containing trees and tree groupings. The interior (i.e. non-perimeter) areas of a proposed parking area shall be appropriately landscaped, and such landscaping shall comprise not less than ten (10%) percent of the land area of the proposed parking facility.

h) Screening of service yards, commercial vehicles, commercial trailers, passenger vehicles, parking areas, refuse containers, and other places that tend to be unsightly, shall be accomplished by use of walls, fencing, planting, or combinations of these with all such enclosures being compatible in material, texture, and color with the principal building or buildings on the site.

i) Landscaping shall be designed and maintained so as not to create hazardous

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conditions.

j) Landscaping shall be maintained to preserve its original integrity and intended purpose during the life of the proposed use or project. All approvals granted under this section are expressly conditioned on the maintenance of the approved landscaping during the life of the proposed use or project.

k) The Board may, at its discretion, consult with one (1) or more persons or firms having experience in landscape architecture and landscape planting as to the appropriate design of lawns and open spaces around proposed buildings and uses, and the appropriate species, size and number of plants to be installed. The reasonable cost of any landscaping review shall be borne by the applicant.

4) Building Design

a) Proposed building design shall recognize compatible building forms indigenous to the community and the neighborhood in which the project is located. In particular, building design should consider the existing and historic character of the surrounding neighborhood. Adaptive re-use of existing structures is strongly encouraged.

b) All freestanding and wall mounted signs shall be integrated into the building design, and the Planning Board shall conduct a review of proposed signage concurrent with the architectural review.

c) Building components such as windows, rooflines, doors, eaves, and parapets should have well designed proportions and relationships to one another and be compatible with the existing and historic character of the surrounding neighborhood. Except when wholly impractical, natural materials should be used.

d) Mechanical equipment such as air conditioners, satellite dishes, or other utility hardware located on roofs, the ground, or buildings shall be screened from public view with materials harmonious with the building, specified as to color so as to blend with their surroundings, or located so as not to be visible from residential property, or any public land.

5) Parking and Loading

a) Parking shall not be located within a front, side or rear yard setback.

b) The Planning Board shall determine the dimensional requirements for access and internal driveways for the particular use proposed, and may require larger dimensions for site driveways and access roads than the minimum dimensions for site driveways and access roads stated elsewhere in this Chapter or the Town Code. Driveways for non-residential uses shall, as much as practicable, be located so that they are aligned with a street or driveway opposite the proposed use.

c) Notwithstanding the requirements for off-street loading spaces as specified in this Chapter, the Planning Board may require additional space(s) for delivery vehicle loading, may require larger dimensions for each loading space, may require additional setback from adjacent buildings and structures, and may require larger dimensions and means of access for vehicles to such loading spaces than may be stated elsewhere in this Chapter.

d) The design of each parking area and access driveway shall provide adequate room for snow storage.

6) Material and Equipment Storage and Waste Containers.

a) Areas for the storage of materials and equipment shall be depicted on the approved site plan. The Planning Board shall approve the location and design of outdoor areas for the display of goods for sale.

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b) Adequate facilities for disposal of refuse shall be provided. All refuse disposal units, or locations for deposit of refuse, should be screened from view and designed so as to be fireproof and/or fire retardant, and to prevent access by rodents, dogs, cats, and vermin. All such enclosures should remain closed at all times, and shall be designed to prevent blowing of paper and refuse.

7) Drainage.

a) The proposed development shall be so designed as to provide for proper surface water management through a system of controlled drainage that preserves existing drainage patterns and protects other properties and the environment. The storm water management design shall include controls for water quantity and water quality as required under the Phase II Storm water program in accordance with the latest State Pollutant Discharge Elimination System permit. All drainage plans shall be reviewed and approved by the Town Engineer.

8) Traffic.

a) All entrance and exit driveways shall be located with due consideration for traffic flow, so as to afford maximum safety to traffic on public streets and shall meet all current design standards of the appropriate State, County or Town authority unless specifically waived or modified by that authority. No entrance or exit should be located within seventy-five (75) feet of any street intersection, except if aligned directly opposite that intersection.

b) On-site circulation shall be designed for ease of use and to connect safely with adjoining properties where appropriate.

c) Drive-in and drive-thru facilities shall be designed to allow emergency access to vehicles within the queue. No drive-in or drive-thru facility shall be located between any two structures or objects so that both sides of the queue are not easily accessible for emergency access.

9) Pedestrian Circulation. Pedestrian circulation should be separated from motor vehicle circulation. Appropriate walkways should be provided on the site and its approaches as determined by the Planning Board.

10) Architectural Review. In addition to the requirements of this section and §210-53 of this Chapter, during review of any site plan the Planning Board may, at its discretion, consult with one (1) or more persons or firms having experience in building architecture and design matters as to the appropriate design of building exterior facades, fenestrations, rooflines, lighting, massing, color and materials. In reviewing the architectural appearance of proposed buildings and landscaping the Planning Board should evaluate the compatibility of the proposed development with that found elsewhere in the Town. The architectural review authority of the Planning Board shall not be limited by the provisions of this section but shall extend to the full authority to conduct such reviews as may be conferred on the reviewing agency by the Town Law, the State Environmental Quality Review Act, and this Chapter, as amended. The reasonable cost of any architectural consultation and review shall be borne by the applicant pursuant to the provisions of this Chapter.

B) In preparing its decisions concerning any site plan application, the Planning Board shall consider the nature, arrangement and appearance of all buildings and uses of the lot, including their potential impact on adjacent properties, architectural features and land uses, so that:

1) They will have a harmonious relationship with the existing and planned development of contiguous lands and adjacent neighborhoods.

2) They will have no material adverse effect upon the desirability of such neighborhoods for

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the uses contemplated by this chapter.

3) They will be properly related to the proposals of the Town development plan.

4) Pedestrian and vehicular access, traffic circulation and the general layout of the site will be properly planned with regard to the safety of cars and pedestrians using the site, as well as those on neighboring properties and streets.

5) In areas of heavy traffic congestion or on major arterials, the potential for congestion will be reduced through the use of alternative access designs, such as common driveways, feeder roads and interconnected parking facilities.

6) They will be sited and located to take advantage of solar access insofar as feasible, including the orientation of proposed buildings with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation both on and off the site and the impact on solar access to adjacent uses and properties.

7) Where properties abut the Hudson River or may be used to provide access to it, public access shall be ensured, whenever feasible, and significant aesthetic qualities or scenic views are preserved for public enjoyment where public access is not available.

8) The purpose and intent of this chapter will otherwise be met, to the end that the property values will be conserved, the most appropriate use of the land will be encouraged and the health, safety and general welfare of the community will be furthered.

C) In acting to approve, whether with or without modifications, a site plan application, the Planning Board shall attach such conditions and safeguards as it deems necessary to assure that the purpose and intent of these regulations will be complied with.

D) The Planning Board may, on its own initiative, propose a general or specific site plan for a particular area where a site plan approval may be required in the future, using as a guide the requirements of this chapter. Such general site plans shall be used as a guide in developing and reviewing site specific plans.

E) In requiring the set-aside of land for recreation or the payment of a fee in-lieu of recreation land the Planning Board shall adhere to the requirements of §274-a, Subdivision 6 of the Town Law, and §210-93 of this Chapter which provide for the reservation of parkland on site plans containing residential units.

ARTICLE XIV
AMENDMENTS

§ 210-153. General procedure.

A) The Town Board may from time to time, on its own motion, on petition or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this Chapter in the manner provided by Town Law.

B) SEQRA. The Town Board shall be considered to be the lead agency in any action initiated under these procedures.

C) The Town Board, by resolution adopted at a regular or special meeting, shall fix the time and place of a public hearing on the proposed amendment and cause ten (10) days public notice thereof to be given stating the purport of the proposed amendment.

D) Decision. An amendment that has been approved by the Planning Board shall be adopted by a simple majority of the Town Board. No amendment of this Chapter that has not been approved by the Planning Board shall be adopted except by a super-majority vote (majority plus one (1) of the full Town Board membership.

E) Whenever the majority of the taxpayers in any district shall present to the Town Board a petition duly signed and acknowledged requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for such district or of the Zoning Map including such district, it shall be the duty of the Town Board to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed above.

F) All petitions for any amendment of the regulations or districts herein established shall be filed in writing in a form required by the Town Board and shall be accompanied by a fee to help defray the cost of advertising the hearing on said petition and incidental disbursements.

§ 210-154. Advisory report by Planning Board.

A) Every proposed amendment, unless initiated by the Planning Board, shall be referred to the Planning Board. The Planning Board shall report its recommendations thereon to the Town Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. If the Planning Board fails to report within a period of 45 days from the date of receipt of notice, the Town Board may act without such report. If the Planning Board disapproves the proposed amendment or recommends modification thereof, the Town Board shall not act contrary to such disapproval or recommendation except by the adoption of a resolution fully setting forth the reason for such contrary action.

B) In recommending the adoption of any such proposed amendment, the Planning Board shall:

1) State its reasons for such recommendation, describing any condition that it believes makes the amendment advisable.

2) Specifically set forth the manner in which, in its opinion:

a) The amendment would be in harmony with the Town Plan; and

b) The amendment would be in furtherance of the purposes set forth in Article 1 of this Chapter.

3) In recommending the rejection or revision of any proposed amendment, the Planning Board shall similarly state its reasons.

C) Nothing herein shall be construed to prevent the Town Board from acting on a proposed amendment prior to receipt of the Planning Board's recommendation as specified in paragraph A of this subsection provided, however, that the proposed amendment shall be adopted by a super-majority vote (majority plus one (1)) of the full Town Board membership.

§ 210-155. Other referrals

A) The Town Clerk shall forward one (1) copy of the proposed amendment to each of the following as applicable:

1) Dutchess County Department of Planning together with a full statement of the proposed action, as defined in § 239 of the General Municipal Law.

2) Municipalities. Each of the municipalities adjoining the Town of Poughkeepsie.

§ 210-156. Public notice and hearing.

A) The Town Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows: by publishing a notice of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the Town not less than 10 days prior to the date of public hearing; and by giving written notice of hearing to any required municipal, county, regional, metropolitan, state or federal agency in the manner prescribed by law.

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B) The applicant shall provide evidence that the applicant has notified adjacent property owners of the nature of the proposed zoning change.

C) For parcels that are changed from one zone to another, the applicant shall provide evidence that the parcels affected by the proposed rezoning have been conspicuously posted with a sign for at least 10 days prior to the date of the public hearing. That sign will be provided to the applicant by the municipality for a fee; a sign permit is not required. Within 10 days of the closing of the public hearing, the sign shall be removed.

§ 210-157. Publication and posting.

A) Every amendment to this chapter, including any map incorporated therein, adopted in accordance with the Town Law shall be entered in the minutes of the Town Board stating the effective date of the amendment, and a copy, summary or abstract thereof, exclusive of any map incorporated therein, shall be published once in the official newspaper of the Town of Poughkeepsie, and a copy, summary or abstract of such amendment, together with a copy of any map incorporated therein, shall be posted on a sign board maintained by the Town Clerk pursuant to Town Law. Affidavits of the publication shall be filed with the Town Clerk.

ARTICLE XV
MISCELLANEOUS PROVISIONS

§ 210-158. Conflicting standards; greater restrictions to prevail.

A) Where this chapter requires a greater width or size of yards or other open spaces or a lower height of building or a fewer number of stories or a greater percentage of lot area to be left unoccupied or otherwise imposes greater restrictions than required by any other statute, bylaw, ordinance or regulation, the provisions of this chapter shall govern. Where the provisions of any other statute, bylaw, ordinance or regulation requires a greater width or size of yards or other open spaces or a lower height of building or a fewer number of stories or a greater percentage of lot area to be left unoccupied or otherwise imposes greater restrictions than are required by this chapter, the provisions of such statute, bylaw, ordinance or regulation shall govern. Where the provisions of this chapter provide conflicting restrictions or requirements, the provisions which imposes the greater restriction shall govern.

§ 210-159. Greenway Connections.

A) By Local Law No. 14-2000 of the Year 2000 the Town of Poughkeepsie has adopted "Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities", as amended from time to time, as a statement of land use policies, principals, and guides to supplement other established land use policies of the Town. In its consideration of any discretionary action(s) under this Chapter, all agencies and departments of the Town should take into account said statement of polices, principles and guides, as appropriate. Adoption of the Greenway Connections is not intended, and shall not be construed, so as:

1) To limit the Town's home rule authority pursuant to the Municipal Home Rule Law; or

2) To authorize any other local, county, or state agency or department to supersede the Town authority under this Chapter, Chapter 210 or any other chapter of the Town of Poughkeepsie Town code; or

3) To prevent the Town in its sole discretion from adopting a local law at a later date for the purpose of withdrawing, in whole or in part, from the Greenway Compact or Greenway

Connections.

§ 210-160. Exemptions.

A) Site Plan. A site plan approval shall be exempt from the requirements of this Chapter, as amended, if, as of the effective date of this Chapter, the Planning Board has adopted a resolution granting site plan approval or conditional site plan approval and said approval has not expired.

B) Special use permit. A special use permit approval shall be exempt from the requirements of this Chapter, as amended, if, as of the effective date of this Chapter, the Zoning Board of Appeals has adopted a resolution granting special use permit approval or conditional special use permit approval and said approval has not expired.

C) Subdivision. An application for subdivision approval shall be exempt from the requirements of this Chapter and Chapter 177, as amended, if as of the effective date of this Chapter, the Planning Board has approved a resolution granting preliminary subdivision or conditional preliminary subdivision approval or final subdivision or conditional final subdivision approval for major subdivisions, and final subdivision or conditional final subdivision approval for minor subdivisions, and said preliminary, conditional preliminary, final, or conditional final approval has not expired.

D) For the purpose of this section only, and to the extent that this section is inconsistent with Town Law §§ 265-a, 274-a, 276, 277 or any other provision of Article 16 of the Town Law, the provisions of this chapter are expressly intended to and do hereby supersede any such inconsistent provisions.

ARTICLE XVI
FEES

§ 210-161. Fee structure.

A) A fee structure is administered by Chapter 105, Fees, and all amendments thereto.

§ 210-162. Consultant fees.

A) Where the Town Board, Planning Board or the Zoning Board of Appeals uses the services of private engineers, attorneys or other consultants for purposes of engineering, scientific land use planning, environmental or legal reviews of the adequacy or substantive details of applications, or issues raised during the course of review of such applications, for special use permit approvals, site plan approvals, subdivision approvals, use or area variances, applications for rezoning of parcels to accommodate site specific land development proposals or otherwise, applications for permits to extract topsoil or natural resources, or for any other or ancillary land use or development permits or approvals required under the Town Code, as well as to assist in assuring or enforcing an applicant's compliance with the terms and conditions of all the aforementioned administrative and legislative permits or approvals, the applicant and landowner, if different, shall be jointly and severally responsible for payment of all the reasonable and necessary costs of such services. In no event shall that responsibility be greater than the actual cost to the Town of such engineering, legal or other consulting services.

B) The Town Board, Planning Board, or Zoning Board of Appeals, through or with the assistance of Town planning staff, may require advance periodic monetary deposits, to he held on account of the applicant or landowner, by the Town of Poughkeepsie to secure the reimbursement of the Town's consultant expenses. When an initial deposit is required upon

the filing of the application, that deposit shall not exceed 50% of the average cost of such services for applications of similar type, size and complexity based upon the Town's experience over the preceding period of three years. The Town may make payments from the deposited funds for engineering, legal or consulting services, after audit and approval by the Comptroller of itemized vouchers for such services. The Town shall supply copies of such vouchers to the applicant and/or landowner, appropriately redacted where necessary to shield legally privileged communications between Town officers or employees and the Town's consultants. When it appears that there may be insufficient funds in the account established for the applicant or landowner by the Town to pay current or anticipated vouchers, the Town shall cause the applicant or landowner to deposit additional sums to meet such expenses or anticipated expenses.

C) The Comptroller shall review and audit all vouchers and shall approve payment only of such engineering, legal and consulting expenses as are reasonable in amount and necessarily incurred by the Town in connection with the review and consideration of applications for land use or development approvals, or for the monitoring, inspection or enforcement of permits or approvals or the conditions attached thereto. For the purpose of this review and audit, a fee shall be reasonable in amount if it bears a reasonable relationship to the average charge by engineers, attorneys or other consultants to the Town for services performed in connection with similar applications and, in this regard, the Comptroller may take into consideration the complexity, both legal and physical, of the project proposed, including the size, type, and number of buildings to be constructed, the amount of time to complete the project, the topography of the land on which such project is located, soil conditions, surface water, drainage conditions, the nature and extent of highways, drainage facilities, utilities or parks to be constructed and special conditions or considerations as are relevant A fee or part thereof is necessarily incurred if it was charged by the engineer, attorney, or consultant for a service which was rendered in order to protect or promote the health, safety, or other vital interests of the residents of the Town, protect public or private property from damage from uncontrolled surface water runoff and other environmental factors, assure the proper and timely construction of highways, drainage facilities, utilities and parks, protect the legal interests of the Town including receipt by the Town of good and proper title to dedicated highways and other facilities, the correction of defects arising during any post dedication maintenance period and the avoidance of claims and liability and such other interests as the Town may deem relevant.

D) The owner(s) of the subject real property, if different from the applicant, shall be jointly and severally responsible to reimburse the Town of Poughkeepsie for funds expended to compensate for services rendered to the Town under this section by private engineers, attorneys or other consultants. In order for a land use application to be complete, the applicant shall provide the written consent of all owners of the subject real property, both authorizing the applicant to file and pursue land development proposals and acknowledging potential landowner responsibility, under this section, for engineering, legal and other consulting fees incurred by the Town. In the event of failure to reimburse the Town for such fees, the following shall apply:

1) The Town may seek recovery of unreimbursed engineering, legal and consulting fees by action venued in a court of appropriate jurisdiction, and the defendant(s) shall be responsible for the reasonable and necessary attorney's fees expended by the Town in prosecuting such action.

2) Alternatively, and at the sole discretion of the Town, a default in reimbursement of such engineering, legal and consulting fees expended by the Town shall be remedied by charging such sums against the meal property which is the subject of the land development application, by adding that charge to, and making it a part of the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town-assessed taxes and shall be applied in reimbursing the fund from which the costs were defrayed for the engineering,

legal and consulting fees. Prior to charging such assessments, the owners of the real property shall be provided written notice to their last known address of record, by certified mail, return receipt requested, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing.

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