

STATE ENVIRONMENTAL QUALITY REVIEW ACT
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS)
For the Town of Pawling Comprehensive Plan Update (CPU)
And Zoning Amendments

Draft: August 2, 2011

Appendix 2

Proposed Zoning Amendments
(CPU Appendix C)

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

Draft dated: July 5, 2011

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

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

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

Article II Definitions

Section 215-3 Definitions

ACCESSORY APARTMENT

A dwelling or group of dwellings accessory to and separate from the principal use on a lot, which may be contained in the same building. Each dwelling shall contain a minimum of 900 square feet of habitable floor area above grade.

BED-AND-BREAKFAST ESTABLISHMENTS

A dwelling in which overnight accommodations and breakfast are provided for transient guests for compensation.

LODGING AND CONFERENCE-EVENT CENTER

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

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

Article III Establishment of Districts

215-4 Districts Enumerated

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

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

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

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

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

6. The schedule referenced in Article IV District Regulations, section 215-16 Schedule of Bulk Regulations, shall be amended to provide flexibility with reduced yard setback requirements as set forth in the attached zoning table entitled "Draft Amendment to Pawling Code Schedule of Bulk Regulations".

7. Article V Supplementary Regulations shall be revised and renumbered to include the supplemental requirements for bed-and-breakfast establishments set forth below:

Section 215- .1 Bed-and-breakfast establishments

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

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

- (1) The property and principal and accessory structures thereon shall conform to the lot area, yard and other requirements for the zoning district in which the property and structures are located.
- (2) The building housing a bed-and-breakfast establishment shall be an existing, detached one-family dwelling and its use as a bed-and-breakfast establishment shall not conflict with its appearance or function as such.
- (3) The minimum size lot on which a bed-and-breakfast establishment may be located is one-half acre. A bed-and-breakfast establishment may be permitted on a lot with a smaller area only if such lot is located in a nonresidential district and the Planning Board finds that a bed-and-breakfast establishment can be adequately accommodated within the existing principal dwelling building and that it will not overburden the property and that it will be a use compatible with the surrounding properties.
- (4) The owner of the lot upon which the bed-and-breakfast establishment is to operate shall occupy and maintain the bed-and-breakfast establishment as his/her legal residence.
- (5) The maximum number of bedrooms that may be available to overnight guests shall be four. The Planning Board shall be responsible for determining and limiting the number of bedrooms in each dwelling in connection with its review of the special permit application.
- (6) Meal service shall be limited to a morning meal served to overnight guests only.
- (7) No less than one off-street parking space shall be provided per bedroom designated as available for overnight guests. Said parking shall be in addition to the parking required by this chapter for the single-family dwelling use. The parking spaces shall be provided in a safe manner on the subject lot so as to not establish a nuisance or burden for adjacent and surrounding lots.
- (8) Evidence of the approval of the proposed method and adequacy of water supply and sewage disposal shall be obtained from the Dutchess County Department of Health.
- (9) Signage shall comply with the provisions herein for signs generally, and for signs in residential districts as set forth in section 215-40, G., except that a bed-and-breakfast sign may be externally illuminated with lighting sensitive to the neighborhood. There shall be no more than one sign, which may be freestanding, not exceeding four square feet in area.
- (10) Smoke alarms shall be installed in each bedroom of the bed-and-breakfast establishment.

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

Article V Supplementary Regulations

215-31.1 Highway Business (HB) nonresidential zoning districts

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

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

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

B. General requirements for HB Zone.

- (1) No building, including accessory structures, shall exceed a floor area ratio of ~~0.30~~ 0.70.
- (2) No building shall exceed 60,000 square feet in size.
- (3) All utilities, telephone and other wires for providing power and communication shall be installed underground in the manner prescribed by the regulations of state and local governments and/or the utility company having jurisdiction.
- (4) No parking shall be permitted in any front yard setback.
- (5) At least 15% of any zoning lot must be open space. Such designated open space must be grass, or landscaped areas open to the air.
- (6) The layout and design of buildings and related improvements will address the land use policies, principles and guides entitled "Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities".

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

- (1) Minimum lot size: five acres.
- (2) Maximum allowable floor area ratio: ~~0.20~~ 0.70.
- ~~(3) Minimum store size: Development shall minimize impacts on the economic viability of the Village of Pawling by limiting of all store sizes and professional offices and personal service establishments in a shopping center to at least a minimum of 3,500 square feet of gross floor area so that small stores and professional offices are encouraged to locate in the village.~~
- (4) Access management. Development shall minimize the number of access points to and from Route 22 and provide interior road circulation and pedestrian circulation systems, including provision for service roads or feeder roads running parallel to Route 22, as determined by the Planning Board. (See § [215-25](#).)
- (5) Design criteria.
 - (a) Ensure that the appearance of the buildings permitted under this section is harmonious with the general visual environment of the Town and promote a high standard of architectural design. The Planning Board may establish design guidelines and controls for commercial buildings, including architectural design review.

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

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

(6) Open space. At least 25% of the total lot area shall be open space. Such designated open space must be grass, or landscaped areas open to the air.

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

Article V Supplementary Regulations

J. Off-street parking requirements.

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

	Use	Minimum Off-Street Parking (spaces)
	1- and 2-family dwellings	2 for each dwelling unit
	Mobile home	2 for each dwelling unit
	Multifamily dwelling <u>and accessory apartment</u>	1 1/2 for each dwelling unit

ZONING

Schedule of Permitted Uses

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

ZONING

Schedule of Permitted Uses

District	Draft Amendment to Pawling Code	Schedule of Permitted Uses	Draft dated: July 5, 2011
HB ¹	Principal Uses	Special Uses	Accessory Uses
	Animal Husbandry	Amusement and recreation facilities, indoor and outdoor	<u>Accessory apartment</u>
	<u>Banks and credit agencies</u>		Accessory buildings and structures customarily associated with and incidental to the permitted uses
	<u>Bed and breakfast establishments</u>	Dwelling, multifamily, HB only	Off-street parking and loading space for motor vehicles subject to the provisions of § 215-34
	Car Wash	Hospital, clinic	Signs, subject to the provisions of § 215-40
	Automobile body shop	Kennel, on site not less than 10 acres	
	Automobile sales and rental	Mobile home sales	
	Boat, boat trailer and marine accessory sales and rental	Motor freight terminal	
	Building materials sales, including lumberyards	Nursing home	
	Cargo trailer, camping trailer sales and rental	Quarrying and mining	
	Commercial greenhouse and plant nursery, including office and sales yards	Storage of alcohol, gasoline, crude oil, liquefied petroleum gas or other highly flammable substances subject to the requirements of § 215-41	
	Construction equipment sales and rental		

PAWLING CODE

Schedule of Permitted Uses

Draft dated: July 5, 2011

District	Draft Amendment to Pawling Code	Schedule of Permitted Uses	Special Uses	Accessory Uses
HB <u>(continued)</u>	Principal Uses Eating and drinking establishments, excluding drive-in Farm, farm use and customary farm occupations Farm machinery sales and rental <u>Food, grocery and general merchandise stores</u> <u>Food preparation, processing and product development including bakery</u> Furniture store Home furnishing and equipment store Ice storage and vending (3 tons or less capacity) Motel Motor vehicle service station subject to the provisions of §215-28 Offices, business, professional, research Personal service establishments Real estate office Restaurant Salesroom or shop of a builder, contractor or artisan Warehouse Wholesale business <u>Studio or gallery for a performing artist or artist, including instruction</u> <u>Miscellaneous retail store, including the making of articles to be sold on the premises, provided that any such manufacturing or processing shall be incidental to a retail business and not more than 5 persons shall be employed in such manufacturing or processing</u>	Schedule of Permitted Uses Shopping center in accordance with an integrated site and architectural plan to be approved by the Planning Board and which may include uses permitted elsewhere in the district and for: Apparel and accessory store Bakery Bank Bar or tavern Clinic, dental Clinic, medical Credit agencies other than banks Dormitory [Added 5-14-1985 by L.L. No 3-1985] Drug store Financial establishment Food stores Food service establishments General merchandise store Grocery store Hardware store Insurance carriers, agents, brokers and services Laundry, coin-operated, dry cleaner Miscellaneous retail store, including the making of articles to be sold on the premises, provided that any such manufacturing or processing shall be incidental to a retail business and not more than 5 persons shall be employed in such manufacturing or processing Motion-picture theater other than drive-in Professional services Restaurant Veterinary hospital	Accessory Uses	

PAWLING CODE

Schedule of Permitted Uses

Warehouse
Wholesale business

ZONING

Draft dated: July 5, 2011

Schedule of Permitted Uses Schedule of Permitted Uses

Accessory Uses

Special Uses

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

Same as HB District

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

Hospital, clinic and nursing home

Motor freight terminal

Quarrying and mining

Draft Amendment to Pawling Code

Principal Uses

Animal husbandry

Amusement and recreation facilities, indoor and outdoor

Banks and credit agencies

Bar or tavern

Clinic, medical or dental

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

Farm, farm use and customary farm occupations

Food preparation, processing and product

development including bakery

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

Forestry Services

Insurance carriers, agents, brokers and services

Lodging and conference-event center

Motor freight terminal

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

Quarrying and mining

Restaurants and food service establishments

Riding academy

District

MBJ² 1

ZONING

Schedule of Permitted Uses

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

~~Warehousing, storage buildings
Wholesale business³~~

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

Warehousing, storage buildings
Wholesale business³

NOTES:

¹All uses permitted in the HB Districts are subject to site plan approval.

²All uses permitted in the MBI District are subject to site plan approval.

³The former regulations for the FH District, which immediately followed, were repealed 2-8-2005 by L.L. No. 1-2005, Planned Development District: See § 215-36.
Environmentally Sensitive Area: See § 215-24.

Draft Amendment to Pawling Code Schedule of Bulk Regulations

Draft dated: July 5, 2011

ZONING

215 Attachment 2

Town of Pawling

Schedule of Bulk Regulations⁷⁴

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

District	Maximum Building			Minimum Area Per Dwelling	Maximum Building Height	Minimum Yard Dimensions ⁶³			
	Area (acres)	Frontage (feet)	Coverage (percent)	(square feet)	(feet)	Front (feet)	One Side (feet)	Both Sides (feet)	Rear (feet)
	CD	5	350	10	900	35	100	40	100
R-4	4	350	10	900	35	100	40	100	100
R-3	3	275	10	900	35	75	30	75	75
R-2	2	200	10	900	35	60	25	60	60
R-1	1	125	10	900	35	50	20	50	50
VRD ¹	1	125	10	900	35	50	20	50	50
HA	½	100	20	900	35	30 ² 25	30 20	60 45	25 25
HB ¹	1 ³²	200 150 ⁴	35	900	35	100 ⁵ 25	2520	5045	3025
MBH	1	200	30	NA	35	100 30	5025	100 55	100 50

NOTES:

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

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

³² See § 215-31.1

⁴ ~~Four hundred feet required for shopping centers.~~

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

⁶³ For accessory buildings, see § 215-12.

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