

# TOWN OF NORTH CASTLE

## Local Law No. \_\_\_\_ For The Year 2010

A local law to amend Chapter 213 (Zoning) to add a new Zoning District entitled “CB-P” Central Business – Parking) and associated bulk standards and regulations

**Section 1.** Amend Section 213-4 of the Town Code to include the following new zoning district:

CB-P Central Business Parking District

**Section 2.** Amend Section 213-20 Schedule of Business District Regulations to add the following

District	Permitted Principal Uses	Permitted Accessory Uses	Minimum Lot Size			Minimum Yards			Maximum Building Coverage	Maximum Building Height		Floor Area Ratio	Other Standards and Requirements
			Area	Frontage (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)	Lot Area (percent)	Stories	Feet		
CB-P Central Business Parking	1. Stores and shops for the conduct of retail business not exceeding 5,000 square feet of floor area. 2. multifamily dwellings located on the second story 3. Theaters and clubs, in completely enclosed buildings. 4. Personal service establishments, except those offering drycleaning services that are not connected to a public sewer system. 5. Banks and businesses. 6. Professional offices. 7. Studios. 8. Restaurants, taverns, cafes, bakeries not exceeding 5,000 square feet of floor area. *9. Public utility exchanges or substations. 10. Carry-out restaurant	1. Accessory uses as permitted in a CB-B District	5,000 square feet	50	100	As Per CB-P Zoning District Map	As Per CB-P Zoning District Map	As Per CB-P Zoning District Map	As Per CB-P Zoning District Map	2	30	As Per CB-P Zoning District Map	As in 213-23.I

**Section 3.** Amend Section 213-15.F(1) and (2) of the Town Code to include CB-P in the same locations where references to the CB District are located.

**Section 4.** Create the following new section of the Town Code:

213-23.I Central Business Parking (CB-P) District.

- (1) Intent. This district is established for the convenience of persons residing in the major residential areas of the Town and is intended to be limited primarily to businesses serving the ordinary shopping needs of the residents located in the existing CB Zoning Districts. It is further intended that property values shall be enhanced by requiring the highest standards of building, structure and site design and maintenance. In order to achieve a practical balance between the existing and

future business and commercial facilities, and the off-street parking to serve these facilities, “building areas” and “parking areas” are established in this district. These areas are delineated on the CB-P Zoning District Map of the Town of North Castle. The uses permitted in these areas shall be regulated as prescribed in Section 213-20 (CB-P) of the Town Code.

- (2) **Building Areas.** In a building area of a CB-P District, no building or premises shall be used and no building or premises shall be used and no building or group of buildings, or part of any building or structure shall be erected, constructed enlarged, altered, arranged, used or designed to be used, in whole or in part, except for one or more of the uses permitted in Section 213-20 (CB-P) of the Town Code. Only those uses specifically listed shall be permitted. Such structure or use must be located within the building area designated for the property, as provided in this Section, except that the Planning Board may in its discretion permit minor variations from such building areas provided that the resulting building design is in accord with the general spatial arrangement of “building areas” and “parking areas” delineated on the CB-P Zoning District Map. Furthermore, the Planning Board may in its discretion permit covered walks or canopies to extend or project outside of the building area where such walk, passageway or canopy is designed and intended to protect shoppers and pedestrians from inclement weather. Such covered walks may be attached to the building by the use of roof overhang or cantilever construction or may be supported by columns outside the building area, but the covered area, regardless of design, shall not interfere with the movement and circulation of vehicles in the parking areas or access drives, and shall not decrease the number of parking spaces in the Parking District; and the curbs, columns (if any), grade, paving and lighting of the covered area must be designed to afford safe use of the parking areas and access drives by vehicles and pedestrians. No part of any such overhang, passageway or canopy shall be used for the storage of goods or refuse material, and any such permitted covered walk shall be maintained, repaired, lighted, and kept clean by the owner of the structure or structures served by such walk.
- (3) **Parking Areas.** No building or structure shall be erected or altered within a parking area, and no use shall be permitted other than parking, loading, unloading and movement of automobiles and other vehicles, as accessory to the permitted uses and buildings in the adjoining building areas. The foregoing permitted uses shall not be construed to include the storage, servicing, or dismantling of automobiles and other vehicles in parking areas. No parking spaces shall be reserved except those for the handicapped.
  - (a) **Exceptions.** Structures or uses operated by or on behalf of the public parking district having jurisdiction over the improved parking areas shall be permitted in a parking area, as, for example, structures for the storage of parking area maintenance equipment and materials and refuse storage.

- (b) Required Open Space. The areas to be provided as front, side and rear yards on each property have been shown on the CB-P Zoning District Map as lying outside the Building Area. No setbacks from the limits of the Building Areas are required.
- (4) Off-Street Parking and Loading.
- (a) Parking Requirements Deemed Satisfied. In a CB-P District, the individual requirements to provide off-street parking spaces for any existing or proposed buildings or structures shall be deemed to have been satisfied, and no additional parking spaces shall be required for the issuance of a building permit for any permitted use when all parking and circulation areas have been dedicated to the Town or an easement granted to the Town.
  - (b) Loading Requirements Deemed Satisfied. In a CB-P District, the individual requirements to provide off-street loading areas for any existing or proposed buildings or structures shall be deemed to have been satisfied, and no additional area shall be required for the issuance of a building permit for any permitted use when all parking and circulation areas have been dedicated to the Town or an easement granted to the Town.
  - (c) Additional Parking Permitted. The establishment of parking areas in accordance with this Section shall not be interpreted to prevent the voluntary creation of or continuation of existing parking and loading facilities within the building areas hereby established, provided such facilities are compatible with the design of the parking facilities established in the parking areas with respect to traffic and pedestrian safety; do not require separate driveway access, and area approved by the Planning Board. Such parking facilities may be restricted for use by the patrons and employees of the building or structure they are intended to serve, and shall be maintained privately. No such private parking facilities shall be permitted in the front yard of any building or structure.
- (5) Design and Maintenance. The following design and maintenance standards shall be applicable within the CB-P Zoning District.

Issue	Location	Specification	Maintenance
Sitting Areas	For each individual building, at least one outdoor sitting area for 4 persons shall be provided	Free standing benches, sitting walls or raised planters.	
Fences	Where required to define access, to protect planted areas, or to provide screening	Painted wood or metal fencing (no chain link).	Paint fences every 2 years or when needed. Repair broken or damaged fencing, reset posts as required

Refuse Control	<p>Each building shall have at least one enclosed refuse storage area which is readily accessible to tenants and pick-up crews. Storage areas shall be integrated into the building design and attached to buildings. No refuse, trash or debris shall be left in the open. No unenclosed dumpster or similar devices shall be permitted.</p> <p>-or-</p> <p>Provision of communal trash area for multiple buildings approved by the Planning Board</p>	Storage areas shall have complete wood enclosures on washable concrete slabs. Door with self-latching of self-closing devices shall be required.	<p>Refuse shall be collected at least twice per week.</p> <p>Refuse areas shall be hosed down and/or swept at least once per month.</p>
Street and Parking Areas	All streets and parking areas		<p>Blow and/or sweep surface monthly.</p> <p>Provide snow and ice removal.</p> <p>Repair potholes, sunken areas or broken paving.</p>
Painted lines and arrows	All streets and parking areas		Repaint at two-year intervals
Pedestrian Crosswalks	Provided at all major crossings	Colored pavers and or stamped concrete	Repair damage
Walks and Plazas	Provided where needed to facilitate pedestrian movement and to provide open space and sitting areas	Colored pavers and or stamped concrete	<p>Repair damage</p> <p>Hose down or sweep walks weekly</p>
Utilities	<p>All telephone, cable and electric service shall be provided underground. Electric meters, gas meters, and telephone equipment shall be integrated into the building design and hidden from view.</p> <p>Water valves boxes, sewer manholes, and cleanouts shall be located away from pedestrian walks wherever possible.</p>		Repair or re-set unsafe utility structures.

<p>Exterior Lighting</p>	<p>Safety lighting shall be provided for all parking areas and pedestrian walks by means of post-mounted fixtures.  Low level security lighting shall be provided as needed.  High intensity light sources shall be prohibited.  Ground mounted light may be used for aesthetic purposes or for building illumination  Lights shall be shielded to prevent direct glare</p>	<p>Fixtures shall be traditional “Main Street” type period fixtures with decorative posts.</p>	<p>Replace non working bulbs</p>
<p>Signs</p>	<p>Directory signs shall be provided at major intersections.   Directional signs shall be provided where there is a need to direct vehicles or pedestrians to locations not immediately visible from streets.   Operational signs shall be placed where necessary to designate special parking areas and loading zones or provide information or assistance</p>	<p>All signs shall be painted wood or engraved metal, or another design approved by the Architectural Review Board.   No plastic, bright metal or neon signs shall be permitted.   All building signs shall conform to Section 213-15 of the Town Code.</p>	<p>Clean and/or repair signs as needed.  Repair damaged or effaced signs and posts.</p>
<p>Landscaping</p>	<p>Trees shall be provided in parking islands and in plazas where space allows.   Shrubs shall be provided in parking islands and elsewhere to provide visual enhancement, screening and space definition   Lawn areas shall be used whenever possible to provide</p>	<p>One tree, 3” minimum caliper, shall be provided for each 10 parking spaces   A minimum of 10% of each parking area shall be curbed and landscaped with trees and shrubs. At least 30% of all shrubs shall be evergreen and 30% shall have conspicuous flowers.   At least 1 square foot</p>	<p>Fertilize trees and add mulch yearly.   Replace dead and dying trees   Prune trees to maintain store-front visibility   Prune and fertilize shrubs yearly   Weed and mulch shrub beds when needed.</p>

	<p>uniformity and open space.</p> <p>Flower beds, boxes or planters shall be used for color accents and winter decoration</p>	<p>of flower area shall be provided for each linear foot of building face.</p>	<p>Replace dead or dying shrubs</p> <p>Replace, re-seed or sod bare areas</p> <p>Mow lawns weekly</p> <p>Blow and rake leaves in fall</p>
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**Section 5.** Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

**Section 6.** Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

**Section 7.** Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: \_\_\_\_\_, 2010