

TOWN OF NORTH CASTLE

Local Law # 25 For the Year 2006
(Adopted December 5, 2006)

A local law to amend Chapter 213, Zoning, of the Code of the Town of North Castle, New York, with respect to permitted uses in the Nursery Business (NB) Zoning District.

Section 1. Amend Section 213-20 of the Town Code to indicate a minimum lot size area of 4 acres in the NB Zoning District.

Section 2. Amend Section 213-3 of the Town Code to include the following definition in its correct alphabetical order:

ACCESSORY CAFÉ -- An establishment similar to a restaurant, but limited to the extent that the accessory café is not the sole principal use on the lot, waiter or waitress service is not provided, carry-out service is not provided, seating is limited to a maximum of 16 seats and the total gross floor area of the accessory café is not in excess of 1,000 square feet.

Section 3. Amend Section 213-45 of the Town Code to include the following off-street parking requirement:

Accessory Café – 1 for each 150 square feet of gross floor area

Section 4. Amend the Column 2 (Permitted Principal Uses) in the NB Zoning District in Section 213-20 of the Town Code to state the following:

1. Any uses permitted in an R-2A District, as permitted therein
2. The selling and display of nursery and greenhouse stock.
3. Sale and display of nursery accessories, hand garden tools, garden ornaments, garden supplies, birdseed, candles and other small household decorations, property owner-operated garden center management offices and property owner-operated landscape design offices associated with the operation of the on-site nursery business and property owner-operated accessory cafes. The total sale and display of nursery accessories, hand garden tools, garden ornaments and supplies, garden center management offices and landscape design offices and accessory café gross floor area on the property shall not exceed fifty percent (50%) of the gross floor area of all on-site buildings (including greenhouses and storage buildings). In addition, any accessory café shall be limited to no more than twenty-five percent (25%) of the gross floor area of the area used for the sale and display of nursery accessories, hand garden tools, garden ornaments and supplies.
4. Greenhouses

5. Storage Buildings associated with the operation of a Nursery Business

Section 5. Amend the Column 3 (Permitted Accessory Uses) in the NB Zoning District in Section 213-20 of the Town Code to state the following:

1. Any accessory buildings or uses customarily incidental to a permitted use.
2. Off-street parking and loading areas in accordance with § 213-42.
3. Signs, in accordance with § 213-15.
4. Necessary lighting of business and parking areas.
5. The unenclosed storage of equipment subject to Site Plan Approval by the Planning Board as to the quantity and location of said equipment.
6. The outdoor storage display and sale of propane gas subject to Site Plan Approval by the Planning Board.
7. The bulk storage of petroleum for the sole use of equipment used in support of the nursery and greenhouse use pursuant to the permitting requirements of the Westchester County Department of Health and the New York State Department of Environmental Conservation, but the resale of petroleum to customers shall be prohibited.
8. The storage of stone, gravel, wood chips, mulches, soil conditioners and top soil in properly constructed and placed storage areas and bins, which storage areas and bins shall not abut upon any property used for residential purposes, and which storage use shall be subject to Site Plan Approval by the Planning Board as to appearance and location.
9. The storage of weed control chemicals, including but not limited to herbicides, pesticides and fertilizers in properly constructed storage areas, which storage areas and bins shall not abut upon any property used for residential purposes, and which storage use shall be subject to Site Plan Approval by the Planning Board as to appearance and location.
10. The outdoor sale and display of nursery stock and garden accessories limited to statues and similar garden ornaments and decorations subject to Site Plan Approval by the Planning Board as to appearance and location

Section 6. Amend Section 213-23.G of the Town Code to state the following:

- (1) Intent. This district is established in order to create a transitional area of limited commercial nature where a residential area abuts areas of higher intensity use. It is intended to be limited to those areas of the Town which are shown on the Town Development Plan Map as areas to be developed at hamlet or semiurban density and which are served by a state or county highway.

- (2) Required landscaping shall be of a permanent nature and may not consist of planting or nursery stock which is for sale.
- (3) Live trees may be transported onto the site for tree recovery purposes prior to their sale and subsequent delivery to customers. The trees shall not be planted but shall be "heeled in" so as to effect their recovery.
- (4) Outdoor decorations and ornaments shall be permitted subject to Site Plan Approval by the Planning Board and once approved as to quantity and location, may be changed on a seasonal basis not to exceed the approved quantity and location as approved, without further Site Plan Review by the Planning Board.
- (5) No bulk manure shall be stored on the premises.
- (6) No malodorous substances shall be permitted to be stored on the property.
- (7) Accessory cafes within the NB District shall only operate between the hours of 8 AM and 6 PM, shall not serve alcoholic beverages and shall not hold any special events such as birthday parties and other similar group events.
- (8) Off-street parking.
 - (a) Off-street parking shall be provided in accordance with the requirements of Article IX of this chapter. No parking shall be permitted in the front yard unless approved by the Planning Board consistent with the intent of this section.
 - (b) The Planning Board may reduce by up to 25% the maximum number of parking spaces required by § 213-45 of this chapter where the applicant can demonstrate that proposed use will be compatible with the mix of other uses within the NB District and that it will generate a varying peak parking period such that overall peak parking demand can be met by the construction of a lesser amount of spaces. In considering such request, the applicant shall provide at the Planning Board's discretion some or all of the following information:
 - [1] Proposed uses, floor areas devoted to such uses and the number of seats or rooms assigned to each use.
 - [2] Days and hours of operation of each use, including weekdays, Saturday, Sunday and for any seasonal variations in operation.
 - [3] Number of employees and their respective shifts and any restrictions on employee parking to make parking for patrons more available or accessible.

- [4] Projected total peak hour or daily period of occupancy by patrons for each proposed use during weekdays, Saturday, Sunday and any seasonal variations in peak hour or period of occupancy.
- [5] Projected hourly accumulation of off-street parking over a twenty-four-hour period for each use. The description shall be provided for the weekday, Saturday and Sunday accumulations of off-street parking and any seasonal variations in off-street parking accumulation.
- [6] Description of any shared parking arrangements with other properties within 250 feet of the proposed use.

Section 7. 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 8. 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 9. Effective Date.

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

Dated: _____, 2006