

TOWN OF NORTH CASTLE
Local Law No. ___ for the year 2013

BRYWOOD PETITION PROPOSED ZONE TEXT AMENDMENTS

Underlined text is added; ~~strikethrough~~ text is deleted.

I. Amend the definition of “Club, Membership” in Section 213-3 to read as follows:

~~CLUB, MEMBERSHIP - Land, buildings and facilities operated by a membership corporation, association or fraternal order for the use and benefit of members and their guests primarily for the purpose of accommodating recreational athletic, social, literary or similar activities purposes, including golf clubs, country clubs, tennis and swimming clubs and similar facilities. The members of the membership corporation, association or fraternal order shall have a financial interest in and method of control of, the assets and management of the club. A “membership club” shall not be operated primarily for profit nor regularly render services to the general public. However, club facilities including golf courses and other recreational facilities, restaurants and food service facilities, and lodging facilities may be reserved and used by the general public on a fee basis for outings and special events.~~

II. Amend Section 213-3 to add a new definition of “Golf Course Community,” as follows:

GOLF COURSE COMMUNITY - A residential community designed for active adults in which the central focus of the community is an affiliated membership club having an 18 hole golf course and other recreational facilities which adjoins the site of the golf course community. The owners of all residences in a golf course community shall be required to be members of the affiliated club.

III. Amend Column 2 of the Schedule of Residence District Regulations (Section 213-19) to add a new permitted principal use subject to additional standards (special permit use) as set forth in Article VII entitled “Golf Course Community in the R-2A District.”

IV. Amend Section 213-33.I (special permit requirements for membership clubs) to read as follows:

- (1) Purpose. It is the purpose and intent of this section to encourage the use of land in residence districts for recreational facilities, such as golf courses, tennis and swimming clubs and similar facilities, to provide for the recreational needs of the Town. It is the further purpose and intent of permitting such uses to encourage the maintenance of significant tracts of land as open space to protect and enhance the environmental and visual quality of the Town. Finally, it is the purpose and intent of this section to assure that such diverse types of recreational uses are developed and managed so as to protect the quality of the environment and the property values of adjacent and nearby residential areas.

- (2) Location and use.
- (a) Where clubs do not front on or have direct access to a major or a collector road as shown on the Town Development Plan Map, the intensity of use shall be limited by the Town Board to the extent necessary to assure that the expected average traffic generation of such use will not exceed that which would be expected if the premises were developed for permitted residential purposes.
- (b) Uses and facilities customarily part of a club shall be permitted, including but not limited to golf driving ranges, golf practice greens, golf and tennis pro shops, swimming pools, tennis courts and other recreational facilities, health, fitness and spa facilities, facilities for the operation and maintenance of the club including employee and management housing and buildings for the storage and repair of golf carts, and subject to applicable federal, State and Westchester County laws and regulations, fueling and fuel storage facilities, facilities for the storage and mixing of fertilizers and pesticides, water supply wells and facilities, golf course irrigation facilities and on-site sanitary sewage treatment facilities. A club may have one or more restaurants, cafés and other food service facilities which primarily serve club members and their guests but which may also serve the general public at outings and catered events.
- (c) Lodging rooms/suites for use by club members and their guests, guests attending catered special events, and club management and employees, but not the general public, shall be permitted. Lodging rooms/suites shall not have kitchens or food preparation facilities.
- (3) Buffer area. A landscaped buffer area of at least 25 feet in width shall be required along all lot lines adjoining or across the street from properties in residence districts, except a lot line adjoining a golf course community.
- (4) Special setback requirements. All active recreational facilities, such as tennis courts and swimming pools, shall be located out of doors. However, where the scale of buildings and setbacks are such that placing such uses indoors would relate harmoniously to the existing residential character of the district in which the membership club is located, they may be placed within permanent or temporary structures. Except with respect to an adjoining golf course community, §such facilities shall be set back from adjacent residential property boundaries at least twice the minimum distance required for residential buildings in said district, except that the Town Board may permit a reduction of this additional setback requirement where, because of topography or the installation of additional buffer landscaping and/or fencing, the Town Board determines that any potential adverse external effect of such facility can be effectively reduced.

- (5) Management. The use and management of any facility under the terms of any special permit approval shall be the responsibility of the membership club ~~which shall either own or lease the property~~. Suitable evidence, such as organizational documents, shall be provided as a part of the special permit application to describe the organizational structure and operating rules of the club.
- (6) Parking. Each parking space shall be at least 8 ½ feet wide and 18 feet long if unenclosed and at least 9 feet wide if bordered by walls or columns on two or more sides. Up to 33% of parking spaces may, with Planning Board approval, be designed and reserved for compact cars. Compact car spaces shall be at least 7 ½ feet wide and 15 feet long, shall be in locations approved by the Planning Board and shall be clearly marked as being reserved for compact cars only. Backup and maneuvering aisles between rows of parking spaces shall be a minimum of 24 feet wide.
- ~~(6)~~(7) Other requirements. In addition to the special standards described above, any club shall comply with any other requirements deemed appropriate by the Town Board in accordance with the requirements of Article VIII herein.

V. Amend Section 213-33 to add a new subsection U, as follows:

U. Golf course community.

- (1) Purpose and intent. It is the purpose and intent of this subsection U to permit the development of a residential community designed for active adults in which the central focus of the community is an affiliated membership club having an 18 hole golf course and other recreational facilities. It is the further purpose and intent of this subsection to encourage the preservation of golf courses, thereby providing for the recreational needs of the Town and the maintenance of significant open space. It is the further purpose and intent of this subsection U to provide flexibility of design for a golf course community, so that the types and designs of dwelling units to be constructed can be changed as needed to respond to changes in marketplace demand, provided that, among other requirements set forth in subsection 7, below, overall density and building coverage are not increased, and minimum yards are not decreased, from the amounts approved by the Planning Board as part of the site development plan approval of the golf course community under Article VIII of this chapter.
- (2) Eligibility. A golf course community is permitted only in the R-2A District in affiliation with a membership club existing on the date of adoption of this subsection U which has an 18 hole golf course and adjoins the site of the golf course community. The site of a golf course community shall be comprised of one or more lots or parcels having an aggregate minimum area of 14 acres, and must have at least 1,000 feet of frontage on, and be directly accessed from, a State highway. The lots and/or parcels that together comprise a golf course community

are not required to be contiguous, provided that each such lot or parcel adjoins the affiliated membership club, and all such parcels and lots shall together comprise one "lot" (as defined in § 213-3 of this chapter) for all purposes of this chapter.

(3) Uses. The permitted principal use shall be detached, semi-detached, attached and multifamily dwelling units. Permitted accessory uses shall be all uses in Column 3 of the Schedule of Residence District Regulations (§ 213-19).

(4) Dimensional and parking requirements. The dimensional and parking requirements in this subsection U(4) shall supersede the Schedule of Residence District Regulations (§ 213-19 of this chapter) and the Schedule of Off-Street Parking Requirements (§ 213-45 of this chapter). All such requirements, including but not limited to maximum density, maximum building coverage, minimum yards and required off-street parking, shall apply to the golf course community site as a whole, notwithstanding that the site may be comprised of more than one lot and/or parcel, or that the site may from time to time be subdivided, resubdivided, or converted to condominium, cooperative and/or homeowners' association ownership, and all determinations and calculations relating to such requirements shall be made with reference to the boundaries of the entire golf course community and as though the site of the golf course community is a single lot, even though it is or will be comprised of more than one lot and/or parcel.

(a) Density. The maximum permitted density shall not exceed one density unit, as defined in § 213-3 of this chapter, per 12,000 square feet of the aggregate net lot area (as defined in § 213-3 of this chapter) of all lots comprising the site.

(b) Building coverage. The maximum building coverage shall be determined by the Planning Board in connection with site development plan approval.

(c) Maximum building height. The maximum building height shall be 3 stories and 39 ½ feet to the mean level of the primary roof, measured from the level of the finished grade at the main entry to the building.

(d) Minimum yards. The minimum front yard shall be 50 feet. The minimum side yard and rear yards shall be determined by the Planning Board in connection with site development plan approval.

Unenclosed porches, stairs and decks may not encroach into minimum required yards except where built with sufficient vertical clearance and then only up to 5 feet into such yards.

(e) Minimum floor area. Minimum gross floor area per dwelling unit shall not be less than the following:

[1] efficiency: 450 square feet;

- [2] one-bedroom: 700 square feet;
- [3] two-bedrooms: 900 square feet; and
- [4] three-bedrooms: 1,100 square feet.

For purposes of this subsection, the Planning Board may allow balconies or paved terraces to be counted toward the minimum gross floor area requirement in an amount not to exceed 5% of that requirement.

(f) Off-street parking.

[1] The minimum required parking for all dwelling units shall be 2 spaces per dwelling unit. An amount equal to at least 10% of the total number of required spaces shall not be reserved for specific dwelling units and shall be available for the use of visitors and guests.

[2] Each parking space shall be at least 8 ½ feet wide and 18 feet long if unenclosed and at least 9 feet wide if bordered by walls or columns on two or more sides. Backup and maneuvering aisles between rows of parking spaces shall be at least 24 feet wide.

[3] Up to 33% of parking spaces may, with Planning Board approval, be designed and reserved for compact cars. Such compact car spaces shall be at least 7 ½ feet wide and 15 feet long, shall be in locations approved by the Planning Board and shall be clearly marked as being reserved for compact cars only.

[4] Up to 25% of enclosed spaces may, with Planning Board approval, be tandem spaces.

(5) Privacy considerations.

(a) Visual privacy shall be preserved for residents through the proper design of rear yards and/or patio spaces. Proper screening through the use of vegetation, fencing and partially or fully enclosed patios shall be provided.

(b) Audio privacy shall be maintained by requiring proper standards for solid party walls that will satisfactorily limit sound transmission between adjoining dwelling units.

(6) Water and sewerage facilities. All dwelling units shall be served by either public or central water and sewage treatment facilities, and no certificate of occupancy shall be issued for a dwelling unit until it is connected to approved and functioning water and sewage treatment facilities. Water and sewerage facilities

shall be designed in accordance with the standards and subject to approval of the Westchester County Department of Health and the New York State Department of Environmental Conservation, as applicable.

(7) Design flexibility. To permit a golf course community to respond to changes in marketplace demand, until the golf course community is completed in accordance with the site development plan approved by the Planning Board under Article VIII of this chapter, the types of dwelling units and residential buildings to be constructed can be changed from time to time without any required additional, supplemental or amended site development plan approval, between semi-detached, attached and multi-family units and buildings, and within any of these types between single and multi-floor dwelling units, provided that:

(a) the overall density (measured in density units as set forth subsection 4(a), above) and building coverage of the golf course community are not increased, and minimum yards are not decreased, from the amounts approved by the Planning Board as part of the site development plan approval of the golf course community;

(b) the overall number of off-street parking spaces continues to comply with subsection 4(f)[1], above;

(c) no principal building or structure is located any closer to any property line than under the approved site development plan;

(d) the landscape plan approved by the Planning Board for the site frontage on the State highway and all yards and/or designated buffer areas which do not abut the adjoining membership club is not materially changed;

(e) the Town Director of Planning determines and certifies to the Town Building Inspector that the overall architectural design and character of the golf course community is not materially changed; and

(f) the Town Director of Planning determines and certifies to the Town Building Inspector that the changes do not present any new or different significant adverse environmental impacts, or significant adverse environmental impacts greater in degree than addressed in the initial review of the golf course community under the State Environmental Quality Review Act, and that any impacts requiring mitigation are adequately mitigated by the measures already imposed in connection with the site development plan approval of the golf course community.

(8) Affiliation with membership club.

- (a) A golf course community must be affiliated with an adjoining membership club. Such affiliation shall be established by the requirement that except for the initial developer/sponsor of the golf course community and successor sponsors/owners of units which have not yet been sold for owner occupancy, the owner of a dwelling unit of the golf course community must for the duration of ownership be a member (whether individually or as a family) of the membership club. The terms and conditions of membership shall be determined by the membership club.
- (b) The golf course of the affiliated membership club functions as the open space for the golf course community, and preservation of that open space is the basis for the permitted density of a golf course community. Accordingly, as a condition of site development plan approval of a golf course community, the affiliated membership club shall record in the Westchester County Clerk's office a declaration of covenants and restrictions pursuant to which the membership club agrees that for so long as the affiliated golf course community exists, the property which as of the date of site development plan approval of the golf course community is subject to the membership club special permit shall be used solely for a membership club in accordance with the requirements of § 213-33.I of this chapter, as may be amended from time to time, and the portion of the property on which the golf course is located shall either be maintained as a golf course or otherwise as open space. The declaration of covenants and restrictions shall be in form and substance reasonably acceptable to the Town Attorney.