

TOWN OF NORTH CASTLE

Local Law No. ____ For the Year 2016

A Local Law to amend Chapter 355 of the Town of North Castle Town Code to add the R-MF-R Zoning District.

Section 1. In accordance with Section 355-80, Chapter 355 of the Town of North Castle Code is amended by amending § 355-5, “Enumeration of Districts,” by adding, in appropriate alphabetical order, a new district to be designated “R-MF-R, Multifamily - R Residence District.”

Chapter 355 is further amended by adding thereto a new section to be known as § 355-25.1 entitled “Additional R-MF-R Residence District Regulations” to read as follows:

In an R-MF-R Multifamily District, all such uses shall be subject to site plan approval in accordance with Article **VIII** of this chapter.

A. Intent. This district is established in order to increase the supply of dwelling units suitable for individuals, small-size childless households, and empty nesters, to preserve open space, to secure superior land planning and to increase the supply of multifamily units in the Town of North Castle.

B. Applicability. All standards and requirements as set forth in § **355-24** above for the R-MF Multifamily District shall be likewise applicable to the R-MF-R District, except as follows:

(1) Allowable density. The average gross density shall not exceed one density unit, as defined in § **355-4** of this chapter, per 9,000 square feet of land area as defined in Subsection **B(2)** of § **355-24** above.

(2) Open Space and recreation area. At least 40% of the gross area of the site shall be preserved as permanent open space, free of buildings and parking area, and shall be landscaped or left in its natural state in accordance with the provisions of § **355-15M**.

a. Character. Such area shall encompass land having meaningful ecological, aesthetic and recreational characteristics, with access, shape, dimensions, location, topography and extent of improvements suitable, in the opinion of the Planning Board, for the intended purposes.

b. Preservation in developments comprised solely of rental units. Permanent preservation of such open space and recreation areas shall be legally assured, to the satisfaction of the Planning Board, by the filing of appropriate covenants, deed restrictions, easements or other agreements. It shall be the property owner's responsibility to maintain all open space and

recreation areas and such other common areas within the owner's control, such as but not limited to foyers, hallways, streets, driveways, curbs, sidewalks, landscaping and lighting, in a safe, clean and orderly condition. Such maintenance shall include removal of snow from internal streets and driveways. In the event that the maintenance, preservation and/or use of the conserved land areas ceases to be in compliance with any of the requirements of this section or any other requirements specified by the Planning Board when approving the site plan, the Town shall be granted the right to take all necessary action to assure such compliance and to assess against the property owner all costs incurred by the Town for such purposes.

- c. Improved recreation area. Instead of the requirements of § 355-24F(4), multifamily developments of 100 units or more shall provide a total of not less than 20,000 square feet of common passive and active recreation area for the use of the residents of the premises and their guests, which facilities shall not be operated for profit, and, which may be located indoors or outdoors.

Chapter 355 is further amended by amending § 355-21 “Schedule of Residence District Regulations” by adding thereto, in appropriate order, the following:

- Permitted Principal Uses Same as R-MF
- Permitted Accessory Uses Same as R-MF
- Minimum Lot Size 20 acres
- Minimum Lot Frontage 250 ft.
- Minimum Lot Width 250 ft.
- Minimum Lot Depth 250 ft.
- Setbacks
 - Front 75 ft.
 - Side 50 ft.
 - Rear 50 ft.
- Maximum Building Height
 - Feet 60 ft.
 - Stories 5
- Maximum Building Coverage 25%
- Minimum Dwelling Unit Size As required by § 355-24

- Parking 2 spaces per unit

Section 2. 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 3. 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 4. Effective Date.

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

Dated: _____, 2016