

TOWN OF NORTH CASTLE

Local Law No. 6 of the Year 2015 Adopted June 10, 2015

AMENDMENTS TO ZONING CODE CHAPTER 213

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

CLUB, MEMBERSHIP - Land, buildings and facilities operated for the use and benefit of members and their guests primarily for recreational purposes, including golf clubs, country clubs, tennis and swimming clubs and similar facilities. A “membership club” shall not 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 which can be comprised of detached, semi-detached, attached and multifamily dwelling units, all 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 adjoining the golf course community. The owners of all residences in a golf course community shall be required to be members of the affiliated club. A golf course community is permitted only in the Golf Course Community Floating Overlay District.

III. Amend Section 213-3 to add the following as the last enumerated district:

GCCFO Golf Course Community Floating Overlay District

IV. Amend Chapter 213 to add new Section 213-25A, as follows:

§213-25A Golf Course Community Floating Overlay District.

(A) Purpose and intent. It is the purpose and intent of this section to establish the Golf Course Community Floating Overlay (GCCFO) District, and provide for 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 section to encourage the preservation of golf courses, thereby providing for the recreational needs of the Town and the maintenance of significant open space.

(B) Eligibility, procedure and boundaries. The owner of one or more lots and/or parcels of land in the R-2A District having an aggregate minimum area of 150 acres and at least 1,000 feet of frontage on, and direct access from, a State

highway, and on which an 18 hole golf course exists on the date of adoption of this section (the “Eligible Land”), may petition the Town Board to map the GCCFO District, but only on the portion of the Eligible Land located more than 100 feet from the perimeter property boundaries of the Eligible Land, it being the intent of the Town Board that the portion of the Eligible Land not mapped as GCCFO District shall be a buffer area and shall be used only for golf course uses including access driveways and accessory parking, permitted in the R-2A District. The boundaries of a GCCFO District shall be fixed by amendment to the Town Zoning Map in accordance with the procedure set forth in §213-68 of this chapter. The affiliated membership club shall be required to meet all membership club special use permit requirements pursuant to Article VII of this chapter via the issuance of a Town Board special use permit. The affiliated membership club shall also require Planning Board site plan approval pursuant to Article VIII of this chapter.

- (C) Uses. All uses permitted in the R-2A District shall continue to be permitted in accordance with the requirements of the R-2A District. In addition to uses permitted in the R-2A District, a golf course community is a permitted principal use in the GCCFO District. All uses are subject to Planning Board site plan approval and performance standards in accordance with Articles VIII and X of this chapter and are subject to the requirements of this section. All accessory uses in Column 3 of the Schedule of Residence District Regulations (§213-19 of this chapter) shall be permitted accessory uses to a golf course community.
- (D) Lot, dimensional and parking requirements for a golf course community. The lot, dimensional, and parking requirements for a golf course community in this section shall supersede the Schedule of Residence District Regulations (§213-19 of this chapter). Lot size, lot configuration and other lot dimensional requirements within a GCCFO District shall be determined by the Planning Board in conjunction with subdivision approval. Lot size, lot configuration and other lot dimensional requirements of lots within a GCCFO District shall be based upon the Planning Board's consideration of the character of the neighborhood in which the GCCFO District will be located; the GCCFO District's relationship to adjoining districts, properties and land uses; the GCCFO District's topography; and such other factors the Planning Board may determine to be appropriate. The lots and/or parcels that together comprise a golf course community site are not required to be contiguous, provided that each such lot and/or parcel adjoins the affiliated membership club. All lot, dimensional, and parking requirements in this section, including but not limited to maximum density, maximum building coverage, minimum yards and required off-street parking, shall apply to the land area in the GCCFO District as a whole, notwithstanding that the golf course community site may be comprised of more than one lot and/or parcel, or that the site may from time to time be subdivided or resubdivided, and all determinations and calculations relating to such requirements shall be made with reference to the boundaries of the entire land area in the GCCFO District and as though such area is a single “lot” (as

defined in § 213-3 of this chapter), even though it is or will be comprised of more than one lot and/or parcel.

- (1) Lots and Dwelling Units in the GCCFO District.
 - (a) Notwithstanding any provision of this chapter or chapter A216 of the Town Code, a lot in a GCCFO District may consist of a fee-simple interest in the volume of air bounded by a lower, and potentially also upper, horizontal plane, and by the vertical planes that are the perimeter boundaries of that air space.
 - (b) Notwithstanding any provision of this chapter, every dwelling unit in a GCCFO District shall be located on or within a separate lot owned in fee-simple, and not on or within a condominium unit.
- (2) Density. The maximum permitted density shall not exceed one density unit, as defined in § 213-3 of this chapter, per 133,000 square feet of the aggregate total “lot area” (as defined in §213-3 of this chapter) in the GCCFO District and 1 dwelling unit, as defined in § 213-3 of this chapter, per 1.8 acres of the aggregate total “lot area” (as defined in §213-3 of this chapter) in the GCCFO District.
- (3) Building coverage. The maximum building coverage shall be 3.5%.
- (4) Maximum building height. The maximum building height shall be 3 stories and 39½ feet to the mean level of the primary roof, measured from the level of the finished grade at the main entry to the building.
- (5) Minimum floor area. Minimum gross floor area per dwelling unit shall not be less than the following:
 - (a) efficiency: 450 square feet;
 - (b) one-bedroom: 700 square feet;
 - (c) two-bedrooms: 900 square feet; and
 - (d) 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.

- (6) Off-street parking.
 - (a) The Planning Board shall have the ability to vary off-street parking stall size and aisle width upon consideration of all relevant factors including the needs of the golf course community.(b) Up to 25% of

enclosed residential off-street parking spaces may, with Planning Board approval, be tandem spaces.

- (E) Privacy considerations.
 - (1) 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.
 - (2) Audio privacy shall be maintained by requiring proper standards for solid party walls that will satisfactorily limit sound transmission between adjoining dwelling units.
- (F) Water and sewerage facilities. All dwelling units shall be served by either public or central water and sewage treatment facilities, including facilities owned by town improvement districts and duly formed water works and sewage works corporations, 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.
- (G) Affiliation with membership club.
 - (1) A golf course community must be affiliated with an adjoining membership club which is subject to a Town Board special use permit pursuant to Article VII of this chapter. 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.
 - (2) 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 a 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 permanent conservation easement pursuant to which the membership club agrees that the property on which the golf course is located shall be used solely as a golf course or as open

space. The conservation easement shall be in form and substance reasonably acceptable to the Town Board and Town Attorney.

V. 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 as accessory uses, 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) A maximum of twenty (20) lodging rooms/suites, but not Dwelling Units, 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, unless a larger buffer area is required by any other provision of this chapter. A landscaped buffer area shall not be required along any 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 and shall be subject to a Town Board special use permit pursuant to Article VII of this chapter. 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 via Town Board special use permit pursuant to Article VII of this chapter. 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. 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) 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.

Effective Date: This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.