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Town of East Fishkill, Dutchess County, NY

Local Law No. ____2020

A Local Law to enact certain amendments to Chapter 194, Zoning, of the Code of the Town of East Fishkill, to amend the Conservation Residential Development (CRD) zoning district.

SECTION I. TITLE. This local law shall be known as “A Local Law amending the Conservation Residential Development (CRD) zoning district.” Enacting Certain Zoning Amendments to Chapter 194, Part 2. Article VI Conservation Residential Development.

SECTION II. AUTHORITY. This Local Law is enacted pursuant to the authority of Municipal Home Rule Law 10, the New York State Town law, and in accordance with Chapter 194, Article XX, Amendments. To the extent that the provisions of this Local Law are in conflict with the New York State Town law, the Town Board hereby asserts its intention to supersede the provisions pursuant to the Municipal Home Rule Law.

SECTION III. PURPOSE AND FINDINGS. The objective of this law is to allow for the creative use of large tracts of land to promote the establishment of a more desirable living environment than would be possible through conventional subdivision standards. It is further the purpose of this law to provide for a broad range of housing types and encourage orderly and well-planned development of a scale and location that will be in keeping with the land use character of the surrounding uses.

SECTION IV. REVISIONS TO CHAPTER 194. Chapter 194, Zoning, of the Code of the Town of East Fishkill is hereby amended as follows:

Part 2. Regulatory Provisions

Article VI. Conservation Residential Development

§ 194-19. Intent and purposes.

It is the intent and purpose of this section to create a zoning district which would permit the establishment of Conservation Residential Developments (CRD's) on one or more designated sites and in proper locations, so as to:

A. Variety of housing types. Provide the opportunity for the creation of a wider variety of housing types in the Town, ranging from single-family detached to single-family attached units (townhouses) to multifamily dwellings, and designed to serve the present and future owner and rental housing needs of those persons working and living in the Town of East Fishkill, including both elderly and young households, families of moderate income and small families.

B. Creative use of large tracts. Encourage the creative use of centrally located large tracts within the Town and in excess of 150 contiguous acres so as to promote the establishment of a more desirable living environment than would be possible through their subdivision in accordance with the conventional standards established elsewhere in this article.

C. Flexibility of design and development. Permit flexibility of design and development in such a way as to promote superior land planning design, greater economy, efficiency and convenience in the arrangement of land uses and their supporting infrastructure, preserve open space and protect floodplains and other natural features.

D. Service and utilities. Encourage orderly and well-planned development of a scale and location that will make it feasible to construct a comprehensive package of supporting utilities, services and facilities, active and passive recreation facilities, a stormwater control and retention system, etc., so as to achieve developments which are environmentally, physically, visually and economically superior.

E. Traffic circulation. Encourage orderly development of sites with substantial frontage on state and county highways to provide safe, efficient access and traffic circulation.

F. Master Plan. Promote a development pattern in harmony with the objectives of the Town's Master Plan and require preparation of Master Development Plan that addresses the intent of the CRD district.

G. Preservation. Maximize the preservation of slopes over 15%, wetlands, flood-prone areas, historic structures or areas, unique, natural or geographic formations, rare vegetation or habitats of endangered wildlife, lakes, ponds, significant recreational areas or resources, trails, bikeways, pedestrian routes and significant scenic routes, particularly ridge lines, water bodies and mountains.

H. Adequate review. Provide adequate review and supervision of development by requiring both conceptual and specific plan approvals for properties rezoned by legislative action to the CRD zone.

§ 194-20. Eligibility.

This article creates a CRD Zone and sets forth standards under which properties shall be considered eligible for legislative consideration for possible rezoning into the CRD Zone. In order to be eligible for such legislative consideration for rezoning, lands must meet the following criteria:

A. The lands proposed for rezoning may consist of one or more parcels, at least one of which must consist of 150 or more contiguous acres. At least one of the parcels constituting the lands proposed for rezoning must possess at least 100 feet of frontage on a state or county highway. The lands proposed for rezoning must also meet the other criteria and qualifications set forth in this article.

B. While only lands considered eligible under these criteria may be considered for placement within the CRD Zone, there shall be no presumption that lands so considered eligible will ever be formally rezoned into the CRD Zone. The decision to rezone, or to decline to rezone, any particular

properties into the CRD Zone, is a purely legislative determination entirely within the legislative discretion of the Town Board. The Town Board shall have the right to reject any petition for CRD rezoning at any stage of the proceedings. The Town Board shall also have the authority to rezone lands into the CRD Zone as a direct action, in the absence of a petition.

§ 194-21. Uses within CRD Zone.

A. Permitted uses. Permitted uses within a CRD shall be as follows:

(1) Residential uses. Detached, semidetached or attached one-family dwellings, two-family dwellings, and multifamily dwellings. Multifamily dwellings shall not constitute more than 20% of the total number of housing units in a Conservation Residential Development.

(2) Nonresidential uses. Active and passive park and recreational areas, open space and activities, including swimming pools, tennis courts, ball fields, playgrounds, walkways, bikeways, nature trails and similar structures and facilities.

B. Accessory uses. Accessory uses in the CRD Zone shall be the same as those permitted in the R-1 Zone.

C. Special uses. The following special uses are permitted within the CRD Zone, provided they are designed, planned and developed for the primary purpose of service to the residents of the CRD.

(1) Public uses. Schools, public buildings, places of worship, membership clubs and nursery schools.

(2) Commercial uses. Retail shops, personal service shops, professional offices and grocery stores, provided that the total land area devoted to commercial uses does not exceed 5% of the gross land area within the CRD and such uses are clearly accessory to the residential uses.

SECTION V. SEVERABILITY. If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

SECTION VI. CONFLICT WITH OTHER LAWS. Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is pre-empted or prohibited by the County, State or federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION VII. EFFECTIVE DATE. This Law shall become effective upon filing with the New York State Secretary of State.