

Local Law No. ____ of 2018

Town of Marbletown

DRAFT 10/3/18

Shuster Assoc



The text of the proposed Local Law No. ____ is as follows:

SECTION I. SHORT TITLE AND PURPOSE

This Local Law is to be known as the **2018 Revisions to the Town of Marbletown Zoning Law**. This Law amends the Zoning Law to revise provisions that have created difficulties of interpretation or implementation that, although minor in nature, have resulted in unnecessary effort or expense for the applicants and/or the Town; and/or that are inconsistent with State law or regulations.

SECTION II. LEGISLATIVE FINDINGS

The Town Board of the Town of Marbletown hereby adopts and makes the following findings:

1. The Town Zoning Law is in need of revision to ensure compliance with the policies and objectives of the Town Comprehensive Plan and other related plans proposed and adopted in recent years.
2. The Zoning Law requires revision to comply with New York State Law.
3. The Zoning Law requires revision to correct or clarify provisions that have caused delay or confusion in their administration, and to provide clearer standards and regulations for certain uses allowed.

SECTION III. 2014 AMENDMENTS

The Zoning Law of the Town of Marbletown shall be amended as follows:

Section A, Agriculture,

1. §208, Schedule of Use Regulations, designations under headings Crop Production and Animal Production shall be amended to read as follows:

TABLE

Crop Production	A-2,A-3, A-4	R-1, R-2	R-3	SR-E SR-N	B1-E B1-N	B-2	I/B	I-1	Supplementary Regulations
In Certified Ag District	P	P	P	P	P	P	P	P	Sec 200-38
Not In Certified Ag District	P	P	P	P	P	P	P	P	Sec 200-38
Animal Production									
Keeping of Livestock (except feed lot)									
In Certified Ag District	P	P	P	P	P	P	P	P	Sec 200-38
Not In Certified Ag District	P	SU	SU	X	X	SU	X	X	Sec 200-38
Commercial Poultry & Egg Production									
In & Not In Certified Ag District	P	SU	SU	X	X	SU	X	X	Sec 200-38
Laboratory Animal Production & Sale	X	X	X	X	X	SU	X	X	
Farm Accessory Uses	A-2,A-3, A-4	R-1, R-2	R-3	SR-E SR-N	B1-E B1-N	B-2	I/B	I-1	Supplementary Regulations
*Farm Stand *Greenhouses *U-Pick Crops *Mazes * Farm Events In & Not In Ag	SU	SU	SU	X	X	SU	X	X	Sec 200-38

?? Wineries, breweries & distilleries ??

Commented [MC1]: Will deal with these uses later

2. The Schedule of Use Regulations shall be further amended by moving “production of companion animals (breeding kennels)” from the section entitled Animal Production to the section entitled Personal and Laundry Services.

Section B, Accessory Apartments

1. §200-13. Terms Defined, Accessory Apartment, shall be amended to read as follows:

ACCESSORY APARTMENT – A dwelling unit which does not exceed 700 square feet of floor area and is contained within the primary residential structure or an approved detached structure.

2. §200-46.D.(15), Accessory Apartments shall be amended to read as follows:

“(15) Accessory apartments. Apartments accessory to the principal permitted residential use of a building are permitted in all districts, except the I-1 District, subject to a special use permit and the regulations and standards set forth below. It is the intent of this provision to expand affordable housing opportunities in the Town, ~~particularly for small families and senior citizens, to allow more efficient use of existing large structures, to provide expanded economic return to enable older homeowners to maintain their home and to provide options for live in help or health providers.~~

a. Lot Area Exemption. An accessory apartment complying with the following standards shall not require any increase in lot area. Only one dwelling unit per property shall be eligible for such an exemption. Any additional dwelling units on the same property shall be subject to the provisions of §200-24.A.

b. Lot size. The lot on which an accessory apartment is located must be at least one acre in area if the apartment is located in the principal residence on the property or two acres if the apartment is located in an approved detached structure

c. Owner Occupancy. The owner of the property on which an accessory apartment is located must be an occupant of either the principal residence or the accessory apartment.

d. Age of Structure. An accessory apartment may only be located on a property where the principal residence was originally constructed at least ten years prior to the date of the application for a special permit.

e. Apartment Size. The maximum floor area for an accessory apartment shall not exceed 700 square feet. The accessory apartment shall have no more than one bedroom. The ZBA may modify, subject to appropriate conditions, the requirements of these regulations relative to the floor area of an accessory apartment where it determines that apartment size of more than 700 square feet is appropriate due to specific characteristics or features of the building, and when such increase will not adversely affect public health, safety and general welfare of the Town.

f. Number of Accessory Apartments. There shall be no more than one accessory apartment per lot permitted under this subsection.

g. Exterior Appearance. Alterations to the principal residence to accommodate an accessory apartment shall be designed to retain its exterior appearance as a single family dwelling.. No more than 100 square feet may be added to the exterior of the structure in order to create an accessory apartment.

Commented [MC2]: Under Discussion

Commented [MC3]: Under discussion
SUGGESTION; Primary Residence must be existing

- h. Water and Sewer Service. Prior to the issuance of a building permit for the establishment of an accessory apartment, approval of the proposed method of water supply and sewage disposal shall be obtained from the Ulster County Board of Health.*
- i. Off-street Parking. At least one additional off-street parking space shall be provided for the accessory apartment. In no case shall there be parking space for less than a total of three cars on the property*

Section C. Accessory Uses

1. §208, Schedule of Use Regulations, Uses Accessory to Non-Residential Uses shall be amended by addition of a new use, "Accessory Use Customarily Incident to Any of the Uses Mentioned Herein and situated on the Same Lot". Such uses shall be designated by the symbol "P" in all zoning districts.
2. §208, Schedule of Use Regulations, Uses Accessory to Non-Residential Uses shall be amended further by addition of another new use, "Accessory Use Customarily Incident to Any of the Uses Mentioned Herein but Located on a Separate Lot". Such uses shall be designated by the symbol SU in the A-2, A-3, A-4, R-1, R-2 and R-3 Districts and by the symbol P in all other districts.

Section D, Design Guidelines

Appendix A, Design Standards and Guidelines for Business Districts, Group B. shall be amended to read as follows:

Existing Group B language items that say 'same as Group A'. Only these items need modifying. If it is not on the list below, it has its own language in Group B:

3. Building facade materials.
 - Exterior materials of new construction shall be compatible with those traditionally used in the hamlets and may include wood (clapboard, board and batten or shingles), natural stone (laid horizontally) or red common brick.
 - Man-made or processed masonry materials (such as cultured stone) designed to simulate brick or stone may be used upon a determination by the reviewing board that the texture, color, method of construction and architectural features (lintels, sills, etc.) of the material is sufficiently similar to that of the natural material to be compatible.
 - Facades of metal, plastic, plywood panels, ceramic tile, vinyl or similar materials are not permitted.
 - Fences or walls with a maximum height of 42 inches may be located between a structure and the street, either parallel or perpendicular to the street, if constructed of either vertical wood pickets, with a separation between pickets at least equal to the width of the picket, or natural stone, or iron.
 - Chain-link fences or solid wood fences are prohibited.

- Smooth or patterned concrete block may be used if the reviewing board determines that the building facades will not generally be subject to public view, will be substantially screened year round from view from adjacent streets and properties by a combination of dense landscaping, fences or walls and enlarged setbacks.

Alternatives subject to special conditions:

- **Irregularly surfaced concrete block may only be used as an exterior surface material when designed to replicate the appearance, style, and detail of pre- 20th Century historically appropriate masonry stone buildings already in existence in Marbletown through the use of stone lintels and window types (described elsewhere in these guidelines) as well as foundations. Cornice, soffit and trim details shall be are in keeping with these earlier historical models.**
- **Stucco or similar troweled or sprayed-on textured surface finishes shall only be permitted when used with a smooth (unpatterned) or sand finish, and would typically require wood trim, including corner boards, casing, and cornice and soffit details that are in keeping with earlier colonial or bungalow-style buildings already in existence in Marbletown.**

4. Roof Types and Materials

- Roofs in the B-1 District (Stone Ridge South) shall comply with the following standards:

Roof form should reflect the historic stylistic diversity in Marbletown:

- **All roofs shall be gabled roofs** shall have with a minimum pitch of five inches vertical rise for each 12 inches of horizontal run.
- Peaked or slope roof dormers and cupolas are allowed.
- Mansard roofs are not permitted.
- Roofing materials shall be either slate, standing seam metal, asphalt or architectural fiberglass shingles or cedar shakes.

Alternatives subject to special conditions: same as Group A in the B1 District (Stone Ridge South)

- **Gambrel or hipped roofs may be allowed if designed in a manner that is determined to be consistent with past Dutch Colonial historic building styles.**
- Flat roofs may be allowed, only on either one or two-story buildings, if designed with an appropriate parapet and roof cornice or overhang with brackets similar to **Victorian existing historic** buildings in High Falls or at the intersection of Route 209 and Route 213 in Stone Ridge.

6. Colors. Building colors shall be selected from the historic color pallet recommended by any commercial paint manufacturer.

- 7. Accessory equipment: All roof-, wall- or ground-mounted mechanical equipment, such as heating and air conditioning units, exhaust fans, satellite dishes, etc., shall be confined within the principal structure or within an area enclosed by a wall, fence, berm or hedge of sufficient height and density to screen the equipment year round from view from adjacent streets, properties and parking lots. **Such equipment shall not be located on the building roof and, if not housed within the building, the preferred location is at the rear of the building. (Parpet wall for roof equipment?)**

- All dumpsters and similar containers shall be fully enclosed by an opaque fence and gate and screened by appropriate landscaping. No dumpster shall be located in front of a building, and the preferred location is at the rear of the building

8. Parking lot design.

Parking lots abutting public streets shall be separated from the street by a buffer area of at least five feet in width which includes trees or low walls, or hedges or shrubs or a combination thereof.

IMAGE

- The interior and edges of parking lots shall include landscaping of sufficient area to break up and/or screen any large mass of parking.
- No row of perpendicular parking spaces shall exceed 10 spaces unless a landscaped island of at least nine feet in width is provided.
- No parking space shall be located more than 75 feet from a large deciduous tree or conifer.

IMAGE

- Landscaping materials shall satisfy the following minimum requirements and shall be maintained and replaced as necessary to retain conformance with the approved landscaping plan:

1. Large deciduous trees: two-inch caliper.
2. Conifers: six feet high.
3. Small flowering trees: one-inch caliper.
4. Large shrubs: thirty-inch height.
5. Small shrubs: eighteen-inch height.

- A single access to adjoining parking lots or an interconnection between adjoining parking lots is encouraged and may be required where necessary to provide safe traffic management.

- Allocation of space in parking lots for a kiosk, information center, historical display or similar purpose is encouraged.

9. Buffer between uses:

- Where the site of a regulated activity abuts an existing residential use or a residential district boundary, a year-round buffer of trees, shrubs, walls or fencing with the addition of berms shall be provided or maintained that is sufficient to screen the activity from the abutting lot or residential district.
- Existing walls, fences, trees or landscaping shall not be removed from such a buffer area without prior approval of the reviewing board.
- The minimum standards for landscaping materials in parking lots shall apply to new plantings in buffer areas.

10. Signage:

- Any sign lighting shall be via an external, white light source oriented and fully shielded so no glare is directed towards adjacent roadways or buildings. No free-standing sign

shall be lighted by ground mounted lighting, but shall be lighted from above or the side

- Internally lighted signs are prohibited.
- Signs constructed of wood with painted, carved or mounted letters are preferred.

11. Lighting:

- Light fixtures from a manufacturer of historic lighting are preferred.
- Energy-efficient lighting, such as LED, solar, or other equally efficient lighting fixtures, are encouraged, and shall be required for all construction for which an application is submitted after the effective date of Local Law 1 of 2017. All outdoor lighting shall be fully shielded so as to direct the lighting downward below an imaginary horizontal plane passing through the lowest point on the fixtures from which light is emitted.
- Illumination levels for site lighting shall be at least a minimum of 0.2 foot-candles in all public areas, but not exceed a maximum of two foot-candles at the property line or 10 foot-candles anywhere on the site. All proposed lighting plans for site lighting shall contain a photometric plan of the output of all proposed lights to ensure that all areas have sufficient light for public safety.
- Light fixtures shall be no higher from finished grade than 18 feet or the building height, whichever is less.

Section E. Timing of Appeals

§200-73, Appeals, paragraph A. shall be amended to provide that an appeal shall be filed within 60 days, rather than 30 days.

Section F. Food Services and Drinking Places

1. §200-8, Schedule of Use Regulations, shall be amended so that the section “Food services and drinking places” shall appear as follows:

Use	A-2	R-1	R-3	SR-E	SR-N	B1-E	B1-N	B-2	I/B	I-1
	A-3	R-2								
	A-4									
Food Services and Drinking Places										
Full Service Restaurants	SU	SU	SU	SU	X	SU	SU	SU	SU	SU
Limited Service Restaurants	X	X	X	SU	X	SU	SU	SU	SU	SU

Drinking Places	X	X	X	X	X	X	X	X	X	X
Fast Food and Drive-in Rest.	X	X	X	X	X	X	X	X	X	X
Special Food Services (Caterers)	X	X	X	X	X	X	X	SU	SP	SP

2. §200-13, Terms Defined, shall be amended by addition of the following terms:

RESTAURANT, FULL SERVICE – Establishments that are primarily engaged in providing food service to patrons who order and are served while seated and pay after eating. Such establishments may include the sale of alcoholic beverages for consumption on site as an accessory use.

RESTAURANT, LIMITED SERVICE – Establishments that are primarily engaged in providing service to patrons who order and pay for food before eating and/or who have ordered by phone or other communication device for pick up or delivery. Such establishments may include the sale of alcoholic beverages for consumption on site as an accessory use.

DRINKING PLACES – Establishments that are primarily engaged in the sale of alcoholic beverages by the drink for consumption on the premises, although they may also provide limited food service. Also known as bars, taverns, pubs, etc.

RESTAURANT FAST FOOD – An establishment where food and/or beverages are sold in a form ready for consumption and where, by design of packing techniques, all or a significant portion of the consumption can or does take place outside the confines of the building, often in a motor vehicle. Such establishment includes those facilities where the food or drink is provided to the customer via direct access to a vehicle from a “drive-up window”.

SPECIAL FOOD SERVICES – Establishments that are primarily engaged in providing food to be served at either the customer’s location, a location designated by the customer or from a motorized vehicle or non motorized cart.

SECTION IV, SEVERABILITY

SECTION V, EFFECTIVENESS

This Local Law shall become effective upon filing with the Secretary of State.

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