

Fishkill Creek Development District Zoning Comparisons

<u>Standards</u>	<u>General Business</u>	<u>Fishkill Creek Dev.</u>	<u>Light Industrial</u>
Min. Lot Size		4 Acres	
Max. Unit Size		2,000 sf floor area	
Min. Open Space		30%	
Min. Creek Buffer		50' average	
Min. Lot Width		50' at frontage	
Min. Lot Depth	100'		100'
Min. Front Yard		12' from street	
Min. Side Yard	20' (abutting res. district)		20' (abutting res. district)
Min. Rear Yard	25' (abutting res. district)		25' (abutting res. district)
Building Height	35'	35' (45' with extra buffer)	35'
Floor Area Ratio	2	1 (commercial space)	2
Res. Density	1,500 sf lot area/unit (29 units/acre)	11 units/acre (15 with non-residential uses)	1,500 sf lot area (29 u/ac) Artist Live/Work Only
Permitted Uses	Multifamily Residential Office or Bank Restaurant or Coffee House Retail Shop Library, Museum, or Gallery Church Public Recreation Use Theater Auction Gallery Retail Truck or Trailer Tattoo Parlor Off-Street Parking Areas Wholesale or Storage Workshop		Office or Bank Restaurant/Coffee House Retail Shop Library, Museum, Gallery Church Public Recreation Use Theater Auction Gallery Retail Truck or Trailer Tattoo Parlor Off-Street Parking Areas Workshop Industrial Uses
Special Permit Uses	Artist Live/Work Space Artist Studio Auto repair or Body Shop Bar, Pub, or Microbrewery Bed and Breakfast Club College Commercial Recreation Firehouse Gas Station or Car Wash Hotel Trade or Training School Wireless Communication Historic Overlay Uses	Multifamily/Attached Unit Artist Live/Work Space Bed and Breakfast or Inn Spa, Fitness, Day Care Center Restaurant or Drinking Est. Professional/Business Office Gallery or Museum Performance/Cultural Space Assembly or Light Industrial	Artist Live/Work Space Artist Studio Auto Repair or Body Shop Bar, Pub, or Microbrewery Bed and Breakfast Club College Commercial Recreation Firehouse Hotel Trade or Training School Wireless Communication Historic Overlay Uses Wholesale or Storage Adult Use

Fishkill Creek Development District Questions

Is it unusual for Dutchess County elected boards or councils to approve Special Permits?

The City of Poughkeepsie and all eight incorporated villages give Special Permit authority to the Planning Board. Of the 20 towns, 13 give Special Permit authority to the Planning Board. One has the Zoning Board of Appeals approve Special Permits and four split the authority between Planning Boards and ZBAs, depending on the use.

In the Town of Wappinger, the Planning Board approves Special Permits for 47 listed uses, but the Town Board retains authority for six specific uses, including public utility lines, water and sewer treatment plants, mobile home parks, golf courses and private recreational clubs in residential districts, and rezonings of larger-scale Design Residential Development districts.

In the Town of Dover, the Planning Board approves Special Permits, except the Town Board retains authority for communications towers and soil mining. The Dover Town Board also took sole authority for approval of the master plan, subdivisions, and site plan for the former Harlem Valley Psychiatric Center.

Options for FCD District:

1. Maintain current three-step, overlapping and time-consuming process for Concept Plan and Special Permit approval by the Council and Site Plan by the Planning Board;
2. Eliminate the Concept Plan step, maintaining Special Permit approval by the Council and Site Plan approval by the Planning Board;
3. Eliminate the Special Permit step, giving the Council approval for the Concept Plan, including residential and commercial maximum size, mix, and general layout for access, building locations, greenspaces, parking, and Greenway Trail. Site details, architecture, landscaping, and engineering would then be included in the Site Plan process before the Planning Board; or
4. Allow a coordinated two-step Special Permit and Site Plan process by the Planning Board.

Question 2: Should the first floor be required to have non-residential uses?

There is an understandable desire to mix uses, provide jobs, and increase commercial taxes, but some of these parcels are well away from commercial districts and have limited vehicle access. The Council did not require a non-residential component in the much more accessible Linkage District because it wanted to concentrate commercial uses around Main Street. Even along Main Street the entire first floor does not have to be commercial. There are other districts near the commercial centers that should be more successful for new non-residential development.

The current FCD provides an incentive of 4 extra units per acre by adding non-residential uses. That incentive differential could be increased. If the Council wants a minimum non-residential component, it should be based on a percentage of the total square footage and not be mandated to the first floor.

Should natural constraints be deducted from gross area to determine development potential?

Currently in the FCD district, the number of dwelling units is calculated by gross lot area, even if a portion of the site is unbuildable. For example, the 555 South Avenue property includes an approximately 260-foot section of the Fishkill Creek, or about 5 percent of the parcel. The Sisters property contains perhaps 15-20 percent steep slopes. There appear to be no regulated wetlands on FCD parcels.

The FCD district could, for example, deduct land from the density calculation that is under water or contains steep slopes more than 20 percent.