

Proposed New Zoning Code for Mixed Use Residential (MUR) district
(the southern section of current NBR or area south of Tributary 13/Millbrook)

Black text is that retained from current NBR

~~Neighborhood Business Residential NBR Redline~~ is text to be removed

Mixed-Use Residential District underlined red is text to be added

~~Neighborhood Business Residential NBR~~).

Mixed-Use Residential District (MUR) (~~Added 10-28-2015 by L.L. No. 10-2015^{HJ}~~)

(1) Purpose. The ~~Neighborhood Business Residential~~ Mixed-Use Residential (MUR) District is established to promote the development of a neighborhood defined by a mix of residential, retail, service, professional, civic and cultural uses and which encourages travel by walking, bicycle and mass transit. The District aims to enhance the quality of the built environment and promote site layout and architectural design compatible with the historic character of the community. In particular, development within the District shall be sensitive to and compatible with the neighboring National Historic Landmark (HHS-Huguenot) District and the locally designated Historic District zone. Two goals for the district are to encourage residential housing on the upper floors of multistory, mixed-use buildings, and to foster a positive relationship between residential, retail and service/professional uses, while encouraging ~~mass transit and reducing automobile trips and overbuilding of parking facilities.~~ transit use and the creation of a streetscape, which includes pedestrian and bicycle infrastructure.

(2) Principal Permitted uses

a) New multi-story buildings in this district shall be principally permitted, if the following conditions are met

(1) For the first floor, the front of the building facing Route 32 N shall be limited to retail and service business, professional and general offices, restaurants, artisanal use and cultural centers

2) The sides of the first story not facing Route 32N shall be limited to the uses allowed in 2a) and 1) and residential uses. First floor apartments facing away from Route 32N require a special use permit. Specific allowed uses, both residential and non-residential, on the first floor not facing Route 32N, shall be at the discretion of the Planning Board.

3) The second story may be developed for residential or the non-residential uses allowed on the first floor. All non-residential uses on the second floor require a special use permit.

4) Development of a third story shall be limited to residential uses.

b) The addition of photovoltaic and wind energy generating systems on the rooftops of new multi-story buildings shall be considered Permitted Accessory Uses to encourage the use of alternative energy sources and reduce the additional demand for energy required by these buildings.

(5) Prohibited uses. In the MUR District, drive-in or drive-through facilities, self-storage units, banks, motor vehicle sales and rentals, gas stations, and car washes are prohibited. These uses are not considered appropriate for inclusion in new multi-story buildings. The continuation of the prohibited uses in existing one-story buildings in the district shall be governed by the Non-Conforming Uses section of this ordinance.

(6) Site development standards.

(a) All newly constructed buildings in the ~~NBR~~ MUR District must be multistory, except:

[1] When site conditions do not permit the safe or legally compliant construction of a multistory building; or

[2] For the construction of not-for-profit cultural facilities.

(b) A mixture of residential and nonresidential uses is required in the development of all multistory buildings.

~~[1] Development of the first story along street frontage in a multistory building shall be limited to nonresidential uses. The side of the first story not facing the street frontage may be developed for residential or nonresidential uses.~~

~~[2] Development of the second story (whether along street frontage or not) shall be limited to residential uses or a mixture of residential and nonresidential uses.~~

~~[3] Development of any story above the second story shall be limited to residential uses.~~

(c) Where a new single-story building is permitted by this section, development of such building shall be limited to the nonresidential uses permitted in the district.

(3) Special permit uses and accessory uses. See Use Schedule, Schedule A, attached hereto.^[2]

[2] *Editor's Note: The Use Schedule is included as an attachment to this chapter.*

(4) Minimum lot size.

(a) All uses: 10,890 square feet (1/4 acre).

(5) Minimum lot width.

(a) All uses: 50 feet at frontage line.

(6) Height requirements.

(a) All uses.

[1] The first story of any new building must be a minimum of 11 feet high with a cumulative minimum total height of two stories and 20 feet. First-floor interior height may be 10 feet from floor to ceiling. [Amended 3-23-2016 by L.L. No. 2-2016]

[2] ~~Maximum: four~~ three stories, but not greater than 35 feet for the main structure and a maximum of 50 40 feet, to allow for peaked roofs except as provided in § 212-18A, and exclusive of usable rooftop area for private and/or common outdoor space, with or without rooftop gardens and/or green roofs, and exclusive of decorative architectural

features and alternative energy generating systems. Roof decks are not permitted. Green roofs and other green infrastructure are encouraged to assist with the handling of storm water and to reduce the heat island effect.

(7) Bulk requirements and maximum lot coverage by impervious surfaces.

(a) Maximum coverage by all impervious surfaces: 85%. Pervious parking facilities may be required by the Planning Board to reduce impervious surface coverage.

(8) Minimum yard dimensions.

(a) Front yard.

[1] All uses: sufficient space to allow construction of sidewalks, bicycle lanes and related pedestrian amenities in the furnishing zone along with street tree landscaping. Most, if not all, of streetscape elements to be implemented in this district may fit within the Route 32 R-O-W. Up to a zero-foot, front yard may be allowing if the streetscape elements fit within the Route 32 R-O-W and the adjacent building frontage is a storefront.

(b) Rear yard.

[1] All uses: 10 feet minimum. Along the boundary of the Wallkill Valley Rail Trail (WVRT) trees and natural vegetation shall be retained at the discretion of the Planning Board and enhanced as part of the 10 foot landscape buffer.

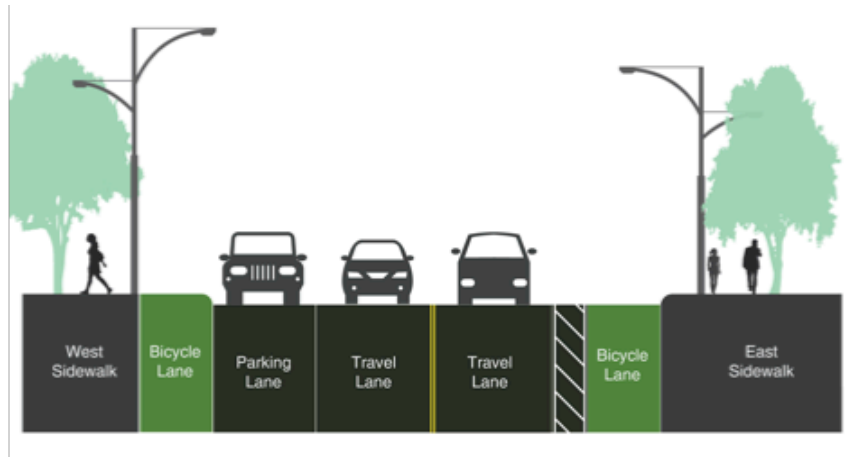
(c) Side yard.

[1] All uses: zero to 15 feet (maximum), at the discretion of the Planning Board, with the presumption being that the intent of the district is to minimize setbacks. Notwithstanding the foregoing, where adjacent properties are concurrently proposed to be developed at zero side lot lines, and will be conjoined, no side setback is required. A stub connection to access future parking in adjacent lots is required.

(9) Landscaped buffers of up to 15 feet in width of a density so as to block visibility of parking areas may be required by the Planning Board. The Planning Board's review of a proposed buffer modification shall include the Shade Tree Commission's review of and recommendations for the proposal.

(10) Streetscape standards

To address the community Complete Streets policy, site plans should include a broad sidewalk, street trees and a bicycle lane. The figure below represents how the streetscapes in this district should be design depending on whether or not the involved frontage is deemed appropriate for on-street parking.



(11) Building Design Standards. The following design standards shall apply to all buildings and use the criteria outlined in the Village Comprehensive Plan and the schematic illustrations (p. 30-31). These state:

In determining the appropriateness of buildings, design elements of proposed buildings should be evaluated in relation to existing adjacent or surrounding buildings. Illustrations showing the elements that should be examined can be found at the end of the Design Guidelines. In most cases, to be considered appropriate, new buildings should be rural in character and similar to existing buildings in the following respects:

1. Height;

2. Bulk and general massing;

3. Major divisions or rhythms of the facade;

4. Proportion of openings (i.e. window to wall relationship(s));

5. Roof treatment;

6. Materials, colors, and textures of buildings and signage. In general, natural materials such as stone, brick, wood siding, shingles, slate, etc. are preferred to industrial or artificial materials such as raw or exposed aggregate concrete, anodized or galvanized metal, tinted glass, plastics, vinyl, etc.;

7. General architectural character:

a) Horizontal or vertical emphasis;

b) Scale;

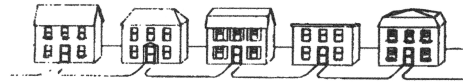
c) Stylistic features and themes (i.e. porches, cornices, detail and ornament);

8. Relation to street;

9. Except where physical constraints, site configuration, or safety considerations preclude strict compliance, all parking must be accessible by driveway to the parking lots of adjacent nonresidential uses and land zoned for nonresidential uses.

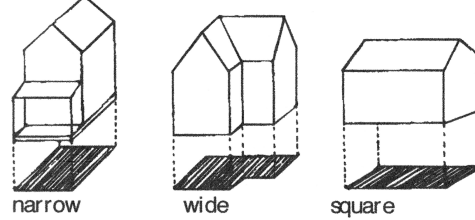
ARCHITECTURAL COMPATABILITY

Roof shapes



gable hip gambrel shed mansard
What is the predominate roof shape in close proximity to the new construction?

Directional expression



Proportion and scale



out of scale with neighbors

in scale with neighbors

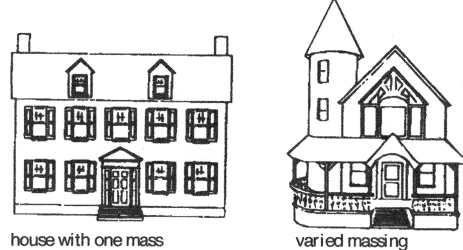
Rhythm of openings



original rhythm maintained

rhythm of openings disrupted

Massing



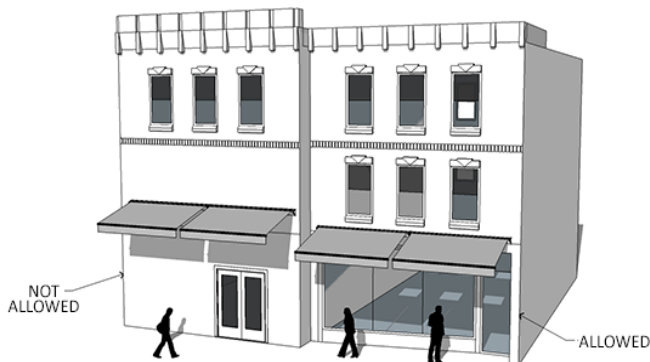
house with one mass

varied massing

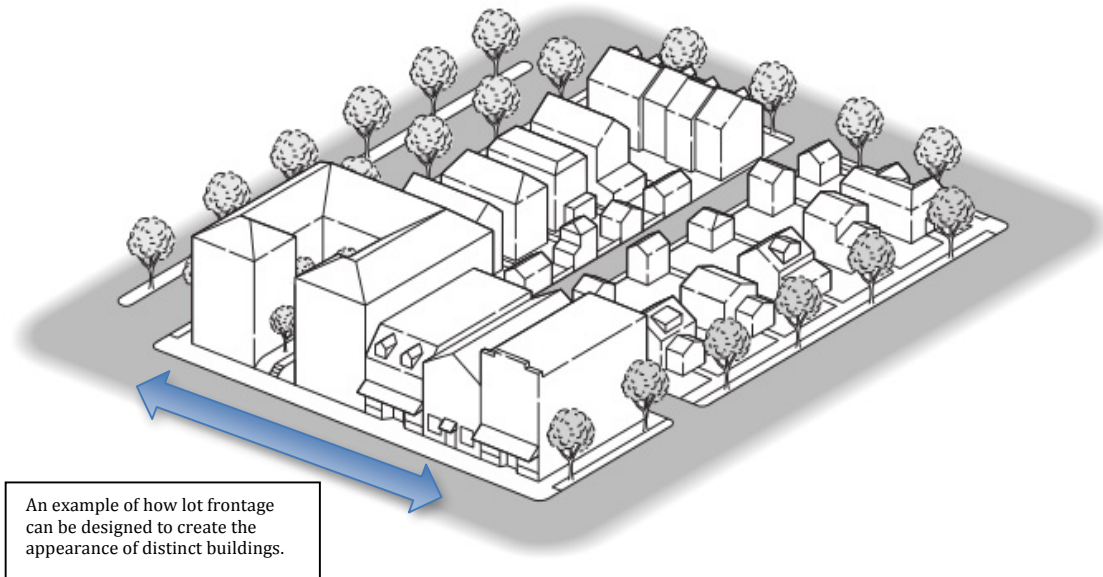
Building Design Guidelines are found in Attachment 1.

(a) Facades of shopfront buildings shall be built parallel to the street frontage and shall define the public realm of the street frontage through the use of consistent setbacks.

(b) Shopfronts shall be glazed no less than 55% of the sidewalk level story, to create visual interest at the street level. Shopfront and building design should be consistent with the historic examples of Hudson Valley Villages, with respect to building and roof forms, window proportions and aspect ratios, materials, colors and details.



(c) Buildings of 40 foot or more in width along a lot frontage shall be articulated to create the appearance of distinct buildings, reducing their apparent size and resulting in human-scale architecture. The mass of the buildings shall be broken up using architectural details such as divisions or breaks in window bays, separate entry treatments, roof line variation and sections that project or are recessed up to 10 feet.



(d) Buildings shall have sloped, gabled, mansard roofs or flat roofs with articulated parapets and cornices. Parapets shall be a minimum of 42 inches high, or higher if necessary to conceal mechanical or alternative energy generating equipment to the satisfaction of the Planning Board.

(e) Architectural features and windows shall be continued on all sides of a building that are clearly visible from the street, parking area or WVRT to avoid visible blank walls.

(f) All mechanical equipment, whether ground-mounted or roof-mounted shall be completely screened from the WVRT, adjacent properties and the street in a way that is consistent with the architecture of the main building.

(g) The exterior finish materials on all facades should be limited to natural building materials such as brick, stone, stucco and wood. Smooth finish fiber cement siding is also permitted if it simulates faithfully a natural material. Other materials may be used if the Planning Board determines that they are durable and not harmful to the structural components of the building.

(h) Traditional canvas or canvas-like awnings are encouraged along street frontages and may encroach up to six feet into the front setback and over the sidewalk above seven feet. Interior illumination is allowed under an awning if it is projected downward.

(i) Refuse containers should be located so that they are concealed from public view from the street, the WVRT and adjacent properties.

(j) Wall and fences shall be constructed of natural materials, vinyl or solid fencing. Chain link fences are prohibited.

(12) Lighting.

(a) All exterior lights shall be shown on the site development plan, and shall be designed and located in such a manner as to prevent objectionable light and glare from spilling across property lines. A lighting plan, prepared accordant with the Village of New Paltz outdoor lighting standards, including specifications for the lighting pole and fixture, shall be provided to the Planning Board during site development plan review.

(b) Exterior lighting should be architecturally compatible with the building style, material, and colors. Cutoff fixtures shall be required instead of cobra-type light fixtures and directional floodlights.

(c) The height of streetlights and other lights shall comply with the Village of New Paltz outdoor lighting standards.

(13) Open space. Where appropriate and practical, new development should create public open spaces and should maintain existing public open space. Where feasible, new open spaces should connect to existing open spaces. ~~and property owners abutting the Wallkill Valley Rail Trail should connect open space with the trail to provide access to the trail by members of the public and the occupants of the property.~~

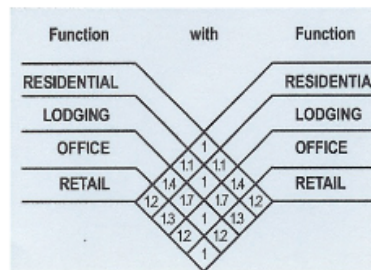
(14) Street furniture and waste receptacles. Street furniture and waste receptacles approved by the Planning Board shall be provided along street frontages and within the site, as deemed necessary by the Planning Board. Street furniture and waste receptacles shall be maintained by the developer or managing agent of the property. Required public amenities shall include bicycle parking facilities, as provided in Article 8 of Chapter 198 relating to bicycle parking.

(15) On-site parking guidelines. The Planning Board will determine the number and configuration of on-site parking spaces required for any particular use to ensure pedestrian and vehicular safety provide adequate parking and minimize adverse visual impacts. The following subsections shall be used as guidelines by the Planning Board.

(a) Residential uses: ~~0.50~~ 1.5 space per 1 bedroom unit, 2 spaces per 2+ bedroom units.

(b) Commercial uses: one space for each 200-500 feet of net interior floor space, or fraction thereof as determined by the Planning Board, plus one additional space for an owner/manager/employee of each separate non-residential use, except as otherwise required by this chapter in connection with specific uses.

Shared parking for adjacent lots can be reduced using the following ratios shown in this diagram:



If the shared parking approach is used to provide sufficient spaces, the Planning Board shall require written assurances and/or deed restrictions, satisfactory to the Village Attorney, binding the owner and his/her heirs and assignees to permit and maintain internal access, circulation and joint use of parking facilities. Access drives may be dedicated to the Village, subject to Village Board approval.

(c) Parking lots and garages should be located in the rear of the property and behind retail goods and services and/or professional offices, and/or at the side of a building wherever possible, allowing for ~~store road~~ frontage to enhance the visibility of retail goods and services and/or professional offices and streetscaping. Wherever applicable, parking garages are acceptable underneath, or on the ground floor, beneath residential units within the ground floor building footprint.

(d) Shared driveways should be used to access parking lots behind buildings and facilitate fewer curb cuts. Shared driveways and/or entrances for ingress and egress access between neighboring buildings and parking lots are strongly encouraged for the district.

(e) Interior parking lot landscaping. Interior parking lots shall be landscaped, as determined necessary by the Planning Board.

(f) Exterior parking lot landscaping. A landscaped strip shall be provided around the perimeter of parking lots, exclusive of driveways. The landscaped strip should be a minimum of three feet wide. Where appropriate, a berm or other appropriate screening should be used to buffer parking areas from the street.

(g) Each parking space shall be nine feet wide and 18 feet long, except handicap-accessible spaces that are to be in accordance with New York State building codes and with parking aisles. Backup and maneuvering aisles between rows of parking spaces shall be at least 24 feet wide, except where the Planning Board approves a lesser dimension as adequate to serve parking space arranged at less than a ninety-degree angle or landscaped area.

(16) Off-site parking.

(a) On-street parking along and adjacent to the property frontage may apply toward the minimum parking requirements.

(b) The Planning Board may, at its sole discretion, approve the joint use of a parking facility and allow a reduction in the parking requirements of up to 30% for two or more principal buildings or uses, either on the same, adjacent, or nearby parcels, where it is clearly demonstrated that the reduction in spaces and shared use of the parking facility will substantially meet the intent of the parking requirements by reason of variation in time of use by patrons or employees among such establishments (offset peak parking demand). There shall be a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of the principal use. Such covenant shall be:

[1] Enforceable by any of the parties having shared beneficial use of the facility; and

[2] Enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns.

(17) Landscaping.

(a) A landscaping plan prepared by a New York State registered landscape architect (RLA) shall be submitted for review by the Planning Board, and should be designed to avoid existing overhead or underground utility lines. Where the location of existing overhead or underground utility lines conflicts with the required landscaping strip and tree planting, the Planning Board may approve an alternate plan consistent with the intent to buffer parking.

(b) Required landscaping shall be permanently maintained in a healthy growing condition at all times. The property owner is responsible for regular maintenance of all plantings as necessary for each particular plant species.

(c) Site trees should be no smaller than three-inch caliper diameter at four feet in height.

(d) Density of site trees shall be at the discretion of the Planning Board as determined necessary.

(18) Waivers

1. Where the Planning Board finds that because of unusual circumstances of a proposed site's shape, topography or other physical features or because of the nature of adjacent developments, extraordinary hardship would result from strict compliance with the site design standards, it may waive or modify the requirements of those subsections to mitigate the hardship so that substantial justice may be done and the public interest secured, provide that no such waiver shall be granted which will have the effect of nullifying the intent and purpose of the MUR District.

2. The Planning Board may, in granting waivers or modifications to these site design standards, incorporate reasonable conditions as will, in its judgement, substantially secure the objectives of the requirements so waived.

3. No waiver or modification shall be deemed approved or granted by implication. Unless a specific waiver is requested by the applicant and granted by the Planning Board, all

proposed projects shall comply with the provisions of this section. All waivers and modifications shall be expressly set forth in the minutes of the Planning Board.
4. Waivers shall be considered unique and shall not set precedent for others.

~~[1] *Editor's Note: This local law also repealed former Subsection G, North Chestnut Street Gateway District.*~~