

ZONING

150 Attachment 1

Town of Fishkill

Schedule of Regulations for Residential Districts

[Amended 9-6-1983 by L.L. No. 4-1983; 9-6-1988 by L.L. No. 15-1988; 11-6-1989 by L.L. No. 6-1989; 8-6-1990 by L.L. No. 2-1990; 8-17-1995 by L.L. No. 4-1995; 9-15-1997 by L.L. No. 3-1997; 12-16-1999 by L.L. No. 5-1999; 5-8-2002 by L.L. No. 5-2002; 7-17-2002 by L.L. No. 8-2002; 12-30-2008 by L.L. No. 12-2008; 2-21-2018 by L.L. No. 1-2018]

Zoning District	Permitted Principal Uses	Permitted Accessory Uses Uses or structures customarily incidental to any permitted principal use, provided that such accessory use shall not include any activity commonly conducted for gain except as hereinafter excepted or any private way or walk giving access to such activity. Accessory buildings may be erected on the lot prior to the erection of the principal building; in such case they shall be so placed as not to prevent the eventual conforming location of the principal building.	Minimum Lot Size (see also § 150-44)			Minimum Yard (feet) (see also § 150-44)(f)(g)				Maximum Building Height (see also § 150-28)		Maximum Building Coverage and Paved Area (% of lot area)	Refer Also to These Pertinent Sections and Articles
			Area (acres or sq. ft.)	Width (feet)	Depth (feet)	Front		Side	Rear	(stories)	(feet)		
						(a)	(b) ⁽⁹⁾						
R-4A 1-Family Residence District	1. One-family detached dwellings, not to exceed 1 dwelling on each lot. 2. Buildings, structures and uses owned or operated by the Town of Fishkill or any district thereof. 3. Public schools.	*1. Offices or studios, provided that: a. Such office is an incidental use of the residential use of the premises. b. Not more than 2 nonresidential employees, associates or assistants are employed on the premises.	4 acres	250	300	100	75	50(c)	60(c)	2 1/2	35	5	§ 150-32 (wetlands and steep slopes) § 150-44 (designed multiple-use developments) § 150-45 (mobile home parks) Article XI (site development plan approval) Article XIII (off-street parking and loading)
R-2A 1-Family Residence District	*4. Places of worship, including parish houses and religious schools; funeral homes (subject to § 150-50); cemeteries; colleges; private schools; day nurseries; public libraries, museums, art galleries, not operated for profit.	c. Parking areas and access drives shall be located, designed or screened so as to minimize disturbances to adjoining properties and shall be subject to site plan review for such purposes. d. No display of goods or signs or other evidence of such occupation is evident outside the building in which it is located except 1 identification sign, as provided in § 150-30B.	2 acres	200	200	75	50	40(c)	50(c)	2 1/2	35	10	
R-40 1-Family Residence District	*5. Hospitals, nursing homes, convalescent homes, medical and dental clinics (subject to § 150-49), philanthropic or charitable institutions, not including institutions for the mentally ill or insane or facilities for the treatment of drug addiction. *6. Commercial riding establishments, stables, veterinarian offices, animal hospitals and dog kennels (subject to §§ 150-47 and 150-48).	2. Home occupations, as defined in this chapter and subject to permit approval by the Building Inspector, provided that parking areas and access drives shall be located, designed and screened so as to minimize disturbance to adjacent properties, and provided there is not more than 1 2-square-foot identification sign as permitted by § 150-30B hereof. In the event such use involves nonresident employees, associates or assistants, such use shall be subject to the site plan approval as set forth in Article XI hereof.	40,000 sq. ft.	125	150	75	50	25(c)	50(c)	2 1/2	35	12	
R-20 1-Family Residence District	*7. Private camps for seasonal residence only. *8. Tourist homes or boardinghouses. 9. Farm uses on a lot of at least 2 acres, provided: a. No storage of manure or any other odor- or dust-producing substance shall be permitted		20,000 sq. ft.	100	125	60	35	20(c)	40(c)	2 1/2	35	20	
R-15 1-Family Residence District	b. No retail sales shall be permitted on the premises except as provided under Item 11 of Permitted Accessory Uses. c. No more than 3 commercial vehicles, stored in fully enclosed structures, may be kept on the property. d. Not less than 1 acre of land is available for each farm animal other than poultry. e. All animal feed is stored in rodentproof containers.	3. Off-street parking facilities for the use of residents of the premises and their guests, in accordance with Article XIII herein. 4. Signs, as provided in § 150-30B. 5. The renting of rooms to not more than 2 persons not members of the resident family. 6. Storage of unoccupied and unused auto trailers, unoccupied mobile home trailer, boat or other single unregistered vehicle, provided such trailer, boat or other single unregistered vehicle is enclosed by a building or otherwise effectively screened from adjoining properties.	15,000 sq. ft.	85	100	60	35	15(c)	30(c)	2 1/2	35	22	

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Zoning District	No building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following. Any use not specifically listed shall be deemed to be prohibited. A use marked with an asterisk (*) is subject to the special permit approval procedure set forth in Articles VIII and IX and shall conform to any additional requirements made in connection with such approval. All flood-prone areas shall be subject to additional standards as set forth in Article X.		Minimum Lot Size (see also § 150-44)			Minimum Yard (feet) (see also § 150-44)(f)(g)				Maximum Building Height (see also § 150-28)		Maximum Building Coverage and Paved Area (% of lot area)	Refer Also to These Pertinent Sections and Articles
	Permitted Principal Uses	Permitted Accessory Uses Uses or structures customarily incidental to any permitted principal use, provided that such accessory use shall not include any activity commonly conducted for gain except as hereinafter excepted or any private way or walk giving access to such activity. Accessory buildings may be erected on the lot prior to the erection of the principal building; in such case they shall be				Front		Side	Rear	(stories)	(feet)		
			Area (acres or sq. ft.)	Width (feet)	Depth (feet)	(a)	(b) ^(c)						
	<p>*10. Designed multiple-use developments, subject to Town Board approval rather than Board of Appeals approval (subject to § 150-44).</p> <p>*11. Mobile home parks, provided the maximum density shall not exceed the number of single-family residences which could be permitted in the zoning district in which such park is located, and subject to Town Board approval rather than Board of Appeals approval (subject to § 150-45).</p> <p>*12. Conversion of buildings constructed prior to 1960 to:</p> <p>a. A two-family or multifamily use, provided that:</p> <p>(1) The gross floor area of the building is not less than 2,500 square feet; and</p> <p>(2) The gross floor area of each unit is not less than 700 square feet.</p> <p>b. Offices or studios of physicians, artists, architects, engineers, surveyors, lawyers, public accountants, real estate, insurance or other brokers, irrespective of the occupancy of the owner, provided that:</p> <p>(1) The gross floor area of each office is not less than 200 square feet;</p> <p>(2) The property is situated in an R-15 District;</p> <p>(3) Off-street parking requirements of this chapter are met; and</p> <p>(4) The property is a 1-acre or larger parcel, with frontage on a state highway, within 500 feet of Interstate 84, and has public water and/or sewer.</p>	<p>Such structure or storage area shall comply with all yard setback requirements for buildings, but in no case shall it be permitted in the front yard. This permitted accessory use shall not include the storage of vehicles or trailers used for commercial or construction purposes.</p> <p>7. Swimming pools or other accessory recreational facilities for the use of the residents of the premises and their guests, as regulated in § 150-27E.</p> <p>8. Greenhouses, guesthouses, caretaker's cottages, pool houses or playhouses incidental to the residential use of the premises and not operated for profit, provided that any such structure complies with all yard and setback requirements for buildings.</p> <p>9. The keeping of a reasonable number of customary household pets (the total not to exceed 4 dogs or cats over 6 months of age).</p> <p>10. Keeping of animals.</p> <p>a. The keeping of horses, properly restrained, for the use of residents and their guests, and/or farm animals, on a lot of at least 2 acres; poultry, on a lot of at least 5 acres; and bees, on a lot of at least 3 acres, provided:</p> <p>(1) Not less than 1 acre of land is available for each animal, except that the offspring of an animal may be kept with its mother for a period not to exceed 1 year.</p> <p>(2) The maximum number of poultry kept other than in a properly soundproofed enclosed structure shall be 12 per acre and not more than 100 per lot.</p> <p>(3) All animal feed is stored in rodentproof containers.</p> <p>(4) Beehives shall be set back at least 150 feet from any property line.</p> <p>b. The keeping of poultry on a lot of under five acres as regulated in § 58-25B et seq.</p> <p>11. Temporary stands for the sale and display of field and garden crops grown on the premises.</p>											

ZONING

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			Area (acres or sq. ft.)	Width (feet)	Depth (feet)	Front		Side	Rear	(stories)	(feet)		
						(a)	(b) ^(e)						
	*13. Sewage treatment plants or water supply facilities. *14. Farm produce stands, nurseries, greenhouses. *15. Public utilities. *16. Private, nonprofit community or fraternal recreation clubs. *17. Automatic telephone dial exchanges. *18. In R-4A Districts only, the following additional uses are permitted: *a. Radio, television and other electronic transmission stations and towers.(d) *b. Commercial recreation uses specifically oriented towards the use of the mountain land, such as ski areas, ski tows, warming and ski maintenance huts, motels, restaurants, swimming and camping areas. *19. Manufactured housing, R-15 and R-20 Districts only. (See § 150-29G.)	12. Yard sales, including tag sales, garage sales or other similar type of sales held on a residential property in a residentially zoned area, subject to permit approval from the Building Inspector, provided that: a. Not more than 1 yard sale may be held on any property within any 6-month period. b. Each such sale shall not extend over a period greater than 48 hours. c. No sign shall be erected or allowed to remain except within 24 hours of the sale period. 13. Parking commercial vehicles [§ 150-29D(2)(h)]. 14. Maintaining an extended 1-family dwelling (§ 150-29E). 15. Accessory apartments. (See § 150-29F.) 16. Construction trailers as regulated under § 150-29H.											
R-MF-3 Multifamily Residence District	1. Any use permitted in an R-15 District, as regulated therein. 2. Two-or-more-family dwellings, subject to the requirements of § 150-61A, at a density not to exceed 8 density units per acre. 3. Model display home(s) to promote subdivision for attached or detached one-family residential use.(h)		15 acres	100	150	75	50	50(c)	50	2½	35	20(g)	§ 150-61A (two-family and multifamily dwellings)
R-MF-5 Multifamily Residence District	1. Any use permitted in an R-15 District, as regulated therein. 2. Two-or-more-family dwellings, subject to the requirements of § 150-61A, at a density not to exceed 12 density units per acre. 3. Congregate care housing, subject to the requirements of § 150-61F(i). 4. Model display home(s) to promote subdivision for attached or detached one-family residential use.(h)		10 acres	100	150	75	50	25(c)	50	2½	35	30	

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			Area (acres or sq. ft.)	Width (feet)	Depth (feet)	Front		Side	Rear	(stories)	(feet)		
						(a)	(b) ^(e)						
BH Beacon Hills District (j)	1. Seasonal uses: a. Bungalows. b. Private camps for seasonal residence only. 2. Nonseasonal uses (subject to the issuance of a land development permit, as provided in § 150-50.6 of this Code): a. One-family detached dwelling, not to exceed 1 dwelling on each lot. b. Commercial recreation uses specifically oriented towards the use of the mountain land, such as ski areas, ski tows, warming and ski maintenance huts, motels, restaurants, swimming and camping areas.	1. Off-street parking facilities for the use of residents of the premises and their guests, in accordance with Article XIII herein. 2. For nonseasonal uses, the renting of rooms to not more than 2 persons not members of the resident family. 3. Signs, as provided in § 150-30B. 4. For nonseasonal uses, storage of unoccupied and unused auto trailers, unoccupied mobile home trailer, boat or other single unregistered vehicle, provided such trailer, boat or other single unregistered vehicle is enclosed by a building or otherwise effectively screened from adjoining properties. Such structure or storage area shall comply with all yard setback requirements for buildings, but in no case shall it be permitted in the front yard. This permitted accessory use shall not include the storage of vehicles or trailers used for commercial or construction purposes. 5. Swimming pools or other accessory recreational facilities for the use of the residents of the premises and their guests, as regulated in § 150-27E. 6. For nonseasonal uses, greenhouses, guesthouses, caretaker's cottages, pool houses or playhouses incidental to residential use. 7. The keeping of a reasonable number of customary household pets (the total not to exceed 4 dogs or cats over 6 months of age). 8. For nonseasonal uses, temporary stands for the sale and display of field and garden crops grown on the premises. 9. For nonseasonal uses, yard sales, including tag sales, garage sales or other similar type of sales held on residential property in a residentially zoned area, subject to permit approval from the Building Inspector, provided that: a. Not more than 1 yard sale may be held on any property within any 6-month period. b. Each such sale shall not extend over a period greater than 48 hours. c. No sign shall be erected or allowed to remain except within 24 hours of the sale period. 10. For nonseasonal uses, parking commercial vehicles [§ 150-29D(2)(h)]. 11. For nonseasonal uses, maintaining an extended 1-family dwelling (§ 150-29E). 12. For nonseasonal uses, accessory apartments (§ 150-29F). 13. Construction trailers as regulated under § 150-29H.	Seasonal uses: 15,000 sq. ft.	Seasonal uses: 85	Seasonal uses: 100	Seasonal uses: 60	Seasonal uses: 35	Seasonal uses: 15	Seasonal uses: 30	Seasonal uses: 2 1/2	Seasonal uses: 35	Seasonal uses: 10%	§ 150-50.6
			Nonseasonal uses: 20,000 sq. ft.	Nonseasonal uses: 100	Nonseasonal uses: 125	Nonseasonal uses: 60	Nonseasonal uses: 35	Nonseasonal uses: 20	Nonseasonal uses: 40	Nonseasonal uses: 2 1/2	Nonseasonal uses: 35	Nonseasonal uses: 20%	

ZONING

Notes to Schedule of Regulations for Residential Districts

- (a) Measured from the center line of the street.
- (b) Measured from the front lot line.
- (c) Except that the minimum setback requirement for accessory buildings which do not exceed 15 feet in height shall be 10 feet from any lot line in the rear or side yard in the R-4A, R-2A, R-40, R-20, R-MF-3 and R-MF-5 Districts and shall be five feet from any lot line in the rear or side yard in the R-15 District.
- (d) All future high-elevation antenna towers shall be limited to areas of existing high-elevation antenna towers.
- (e) Front yard setback requirements shall be increased by 10 feet along a state or county road.
- (f) The minimum yard requirements in this schedule shall apply to the perimeter of the overall lot. For minimum setback requirements internal to the overall lot for two-family and multifamily dwellings, see § 150-61A(5) of this chapter.
- (g) Where the rear of a structure is adjacent to a side lot line, a rear yard shall be provided between the rear of such structure and the side lot line.
- (h) Subject to Planning Board's approval in its sole discretion at conditional final subdivision approval, upon such conditions as the Board establishes and at the developer's own risk, uninhabited model display homes (not exceeding in number 3% of the number of lots having received final approval, and unconnected to water or sewer services) may be constructed on an undivided parcel in anticipation of fulfillment of the conditions of final subdivision approval and later sale as separate improved parcels. Developer must stipulate that model display homes establish no vested rights and must provide agreements and security satisfactory to the Town governing the interim use of the structures and the potential removal of the structures in the event that conditions of final development approvals are not satisfied.
- (i) Bulk requirements for congregate care housing are the same as those requirements for two-or-more-family dwellings, except minimum lot size (area) is 2 acres, maximum building height is 4 stories/45feet and maximum building coverage and paved area is 30%.
- (j) If the permitted use is subject to the issuance of a land development permit, as provided in § 150-50.6 of this Code, the accessory use shall also be subject to the land development permit.