

ZONING

150 Attachment 2

Town of Fishkill

Schedule of Regulations for Nonresidential Districts

[Amended 9-6-1983 by L.L. No. 4-1983; 2-6-1989 by L.L. No. 1-1989; 2-19-1991 by L.L. No. 4-1991; 9-15-1997 by L.L. No. 3-1997; 7-19-1999 by L.L. No. 2-1999; 2-16-2000 by L.L. No. 2-2000; 9-5-2001 by L.L. No. 7-2001; 7-17-2002 by L.L. No. 8-2002; 10-21-2006 by L.L. No. 5-2006; 10-14-2009 by L.L. No. 4-2009; 5-17-2017 by L.L. No. 6-2017]

Zoning District	No building 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 purpose except the following. Any use not specifically listed shall be deemed to be prohibited. All uses marked with an asterisk (*) shall be subject to the special permit procedure set forth in Articles VIII and IX. All other uses shall be subject to the site plan approval procedures set forth in Article XI. All flood-prone areas shall be subject to additional standards as set forth in Article X. Also see Note (e).		Minimum Lot Size			Minimum Yard (feet)				Maximum Building Height (see § 150-28)		Maximum Building Coverage and Paved Area (% of lot area)(h)	Floor Area Ratio	Refer also to These Pertinent Sections and Articles
	Permitted Principal Uses	Permitted Accessory Uses	Area (acres or sq. ft.)	Width (feet)	Depth (feet)	Front <sup>(a)</sup> (a)	(b)	Side	Rear	(stories)	(feet)			
LHC Local Historic Center	<ol style="list-style-type: none"> <li>Any use permitted in the R-15 Residence District, as permitted therein.</li> <li>Professional, banking, business or governmental offices.</li> <li>*3. Such other nonresidential uses as can be carried on in such a way as to preserve the exterior character of historic structures and are consistent with the character of the district, such as antique stores, art galleries, museums, convenience shopping facilities or restaurants, but not including fast-food establishments. All such site plans and related exterior alterations shall be subject to review and approval of the Planning Board.</li> </ol>	<ol style="list-style-type: none"> <li>Any accessory building or use customarily incidental to a permitted use in an R-15 District.</li> <li>Off-street parking and loading areas in side and rear yards only for nonresidential uses.</li> <li>Signs, in accordance with the provisions of § 150-30D.</li> <li>Exterior lighting, in accordance with the provisions of § 150-29A.</li> <li>Construction trailers as regulated under § 150-29H.</li> </ol>	10,000 sq. ft.	60	80	40	15(f)	12	25	2 1/2	35	50	0.25	§ 150-32 (wetlands and steep slopes) Article XIII (off-street parking and loading) § 150-29B (buffer areas) § 150-61B (Local Historic Center)
RB Restricted Business	<ol style="list-style-type: none"> <li>Any use permitted in the R-15 Residence District, as regulated therein.</li> <li>*2. Motels, hotels, resorts, recreation and cultural activities, and restaurants or other places serving food or beverage, but not to include fast-food establishments. (j)(k)</li> <li>*3. Professional offices, including medical and dental clinics.</li> <li>*4. Congregate care facility.</li> </ol>	<ol style="list-style-type: none"> <li>Any accessory building or use customarily incidental to a permitted use.</li> <li>Signs, in accordance with the provisions of § 150-30D.</li> <li>Off-street parking and loading areas, in accordance with the provisions of Article XIII.</li> <li>Exterior lighting, in accordance with the provisions of § 150-29A.</li> <li>Construction trailers as regulated under § 150-29H.</li> </ol>	5 acres	300	300	125	100	100	100	2 1/2	35	60	0.25	§ 150-32 (wetlands and steep slopes) § 150-29B (buffer areas) § 150-61C (Restricted Business, Planned Business and General Business Districts) § 150-61F (Congregate care facilities)
PB Planned Business	<ol style="list-style-type: none"> <li>Any nonresidential use permitted in the RB District, as regulated therein.</li> <li>The conversion of existing dwellings for two-or-more-family use.</li> <li>Stores and shops for the conduct of retail business.</li> <li>Professional, banking, business or governmental offices.</li> <li>Preparation, processing or manufacturing of goods or products for retail sale on the premises, such as baking, dry cleaning or laundry, only where incidental to the preparation or handling of articles to be sold primarily at retail on the premises, or to the performing of a service primarily for residents of the neighborhood, provided that no more than 25% of the floor area occupied by any establishment shall be devoted to such uses.</li> </ol>	<ol style="list-style-type: none"> <li>Any accessory building or use customarily incidental to a permitted use.</li> <li>Signs, in accordance with the provisions of § 150-30D.</li> <li>Off-street parking and loading areas, in accordance with Article XIII.</li> <li>Exterior lighting, in accordance with the provisions of § 150-29A.</li> <li>Manager's or caretaker's residence.</li> <li>Construction trailers as regulated under § 150-29H.</li> </ol>	10 acres	700	600	125	100	100(c)	100(c)	2 1/2	35	75	0.4	§ 150-32 (wetlands and steep slopes) § 150-29B (buffer areas) § 150-61C (Restricted Business, Planned Business and General Business Districts)

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Zoning District	No building 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 purpose except the following. Any use not specifically listed shall be deemed to be prohibited. All uses marked with an asterisk (*) shall be subject to the special permit procedure set forth in Articles VIII and IX. All other uses shall be subject to the site plan approval procedures set forth in Article XI. All flood-prone areas shall be subject to additional standards as set forth in Article X. Also see Note (e).		Minimum Lot Size			Minimum Yard (feet)				Maximum Building Height (see § 150-28)		Maximum Building Coverage and Paved Area (% of lot area)(h)	Floor Area Ratio	Refer also to These Pertinent Sections and Articles
	Permitted Principal Uses	Permitted Accessory Uses	Area (acres or sq. ft.)	Width (feet)	Depth (feet)	Front <sup>(a)</sup> (a)	(b)	Side	Rear	(stories)	(feet)			
	<p>6. Places of amusement or recreation, except that a drive-in theater shall be permitted only as an integral part of a planned business development, and that the entire area of such drive-in theater shall not occupy more than 50% of the planned business site.</p> <p>*7. Gasoline filling station, minimum lot of 60,000 square feet, subject to § 150-46.</p>													
PSC Planned Shopping Center (Formerly PRB – Planned Regional Business)	<p>1. Stores and shops for the conduct of retail business.</p> <p>2. Professional, banking, business or governmental offices.</p> <p>3. Motels, hotels and restaurants or other places serving food or beverages, including fast-food establishments.</p> <p>*4. Automobile sales and services, including gasoline filling stations, retail sales of new automobiles and retail sales of tires, batteries and accessories, including installation services normal thereto.(d)</p> <p>5. Places of amusement, recreation and cultural activities, but not including drive-in theaters.(j)(k)</p> <p>*6. Passenger transportation terminals.</p> <p>7. Any industrial, warehousing or manufacturing use, including fabrication, converting, processing, altering or other handling of products, provided that all equipment, materials and all activities shall be in fully enclosed buildings.</p> <p>8. Multifamily dwellings, subject to the requirements of § 150-61D.(m)</p>	<p>1. Any accessory building or use customarily incidental to a permitted use.</p> <p>2. Off-street parking areas, in accordance with the provisions of Article XIII.</p> <p>3. Signs, in accordance with the provisions of § 150-30D, except that the following freestanding signs shall be permitted: 1 sign of 300 square feet in area, not to exceed 25 feet in height, may be located on each public road adjacent to the project; 1 sign of 175 square feet in area for each theater within the project; and 1 sign of 36 square feet in area for each tire, battery or auto accessory structure within the project.</p> <p>4. Exterior lighting, in accordance with the provisions of § 150-29A.</p> <p>5. Construction trailers as regulated under § 150-29H.</p>	75 acres	500	500	125	100	100(c)	100(c)	3(1)	45(1)	70	0.25	<p>§ 150-32 (wetlands and steep slopes)</p> <p>§ 150-29B (buffer areas)</p> <p>§ 150-61C (Restricted Business, Planned Business and General Business)(k)</p>
GB General Business	<p>1. Any use permitted in the R-4A Residential District, as regulated therein.</p> <p>2. Any use permitted in the PB District, as regulated therein, except 20,000 square feet gas station minimum lot size.</p> <p>*3. Drive-in theaters.</p> <p>*4. Warehouses and the storage and sale of building materials, plumbing, electrical and similar contractor's establishments, provided any outdoor storage is suitably screened from streets and adjoining properties in accordance with a plan approved by the Planning Board.</p> <p>*5. Passenger transportation terminals.</p> <p>6. Laundry and dry-cleaning establishments.</p> <p>7. Motor vehicle sales and service, not including storage of junked cars or car parts.</p> <p>8. Radio, television and other electronic transmission structures.</p> <p>*9. Animal hospitals on lots of at least 2 acres.</p>	<p>1. Any accessory building or use customarily incidental to, and subject to the regulations prescribed for, a permitted use.</p> <p>2. Off-street parking and loading areas, in accordance with the provisions of Article XIII.</p> <p>3. Signs, in accordance with the provisions of § 150-30A.(k)</p> <p>4. Exterior lighting, in accordance with the provisions of § 150-29A.(k)</p> <p>5. Construction trailers as regulated under § 150-29H.</p>	15,000 square feet	75	150	50	25(f)	None (c)	30(c)	2 1/2	35	75	0.4	<p>§ 150-32 (wetlands and steep slopes)</p> <p>§ 150-29B (buffer areas)</p> <p>§ 150-61C (Restricted Business, Planned Business and General Business)</p>

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Zoning District	No building 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 purpose except the following. Any use not specifically listed shall be deemed to be prohibited. All uses marked with an asterisk (*) shall be subject to the special permit procedure set forth in Articles VIII and IX. All other uses shall be subject to the site plan approval procedures set forth in Article XI. All flood-prone areas shall be subject to additional standards as set forth in Article X. Also see Note (e).		Minimum Lot Size			Minimum Yard (feet)				Maximum Building Height (see § 150-28)		Maximum Building Coverage and Paved Area (% of lot area)(h)	Floor Area Ratio	Refer also to These Pertinent Sections and Articles
	Permitted Principal Uses	Permitted Accessory Uses	Area (acres or sq. ft.)	Width (feet)	Depth (feet)	Front <sup>(g)</sup> (a)	(b)	Side	Rear	(stories)	(feet)			
POL Planned Office-Laboratory	<ol style="list-style-type: none"> <li>Any principal use permitted in the most restrictive adjoining residential district, as regulated therein.</li> <li>Executive and administrative offices for business, governmental or professional use.</li> <li>*3. Scientific research, engineering or design laboratories.</li> </ol>	<ol style="list-style-type: none"> <li>Any accessory building or use customarily incidental to a permitted use.</li> <li>Off-street parking and loading areas, in accordance with Article XIII.</li> <li>Signs, as permitted by § 150-30D, except that 1 additional scientific sign not exceeding 10 square feet in area and not located nearer than 15 feet to any property line may be located at each access drive to the principal permitted use.</li> <li>Storage and maintenance of motor vehicles and other equipment incidental to the principal permitted use.</li> <li>Training schools for employees.</li> <li>Lodging for temporary accommodations of employees, visitors or caretakers of the permitted principal use, provided that if such lodgings are located within 250 feet of an adjoining residential district, the minimum lot area and other requirements of such residential district shall apply.</li> <li>Central heating and power plants accessory to the permitted principal use.</li> <li>Facilities for the furnishing of food and personal convenience items to employees and business visitors, provided that such facilities are located within a building with no internal evidence thereof.</li> <li>Recreational facilities for the exclusive use of employees and guests, provided that all necessary buildings and uses shall be planned as an integral part of the development of the permitted principal use.</li> <li>Construction trailers as regulated under § 150-29H.</li> </ol>	25 acres	600	600	225	200	200	200	2	45	40		
PI Planned Industry	<ol style="list-style-type: none"> <li>Any nonresidential use permitted in the POL District, as permitted therein.</li> <li>Any industrial, warehousing or manufacturing use, including fabrication, converting, processing, altering or other handling of products, provided that all equipment, materials and all activities shall be in fully enclosed buildings. These building enclosure requirements shall not apply, however, to the storage, stockpiling or processing of natural resources extracted from the earth, or to the accessory manufacture of bituminous or asphaltic paving products.</li> <li>Recreation and cultural activities, but not including drive-in theaters.(j)</li> <li>*4. Outdoor storage in conjunction with uses permitted in this district.</li> <li>*5. Extraction or removal, and processing, of natural resources from the earth.</li> <li>Tattoo parlors, subject to special permit requirements of Articles VIII and IX.</li> </ol>	<ol style="list-style-type: none"> <li>Any accessory building or use customarily incidental to a permitted use.</li> <li>Off-street parking and loading areas, in accordance with the provisions of Article XIII.</li> <li>Signs, in accordance with the provisions of § 150-30D.</li> <li>Exterior lighting, in accordance with the provisions of § 150-29A.</li> <li>Adult entertainment cabaret.</li> <li>The accessory manufacture of asphaltic products at a site utilized for extraction and processing of natural resources as defined in § 150-2 of this chapter, subject to site plan approval by the Planning Board.</li> <li>Construction trailers as regulated under § 150-29H.</li> </ol>	1 acre	150	150	75	50(f)	30(c)	30	3	45	70	0.4	

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### Notes to Schedule of Regulations for Nonresidential Districts

- (a) Measured from the center line of the street.
- (b) Measured from the front lot line.
- (c) Where a lot line abuts land in a residence district, the most restrictive setback requirements of either district shall govern.
- (d) Not subject to special permit procedures, as set forth in Article VIII, when such a use is part of a department store business, either in a main building or in an accessory building.
- (e) Consistent with § 150-61C and D, all parcels in the RB, PB, and GB Districts are potentially subject, where so determined by the Planning Board in its discretion, to being planned and constructed in accordance with an overall plan for the appropriate site area as determined and defined by the Planning Board (see also § 150-2, definition of "site"), in the context of special permit or site plan procedures. In the case of a suitable comprehensive plan of development which avoids, as an example, the impacts and appearance of strip development of the type generally comprising a series of noncomprehensively planned uses and structures along public roads with nonuniformity of appearance and multiplicity of points of ingress and egress, as determined by the Planning Board in its discretion, the bulk, area and development standards of this schedule, with the exception of minimum lot size, shall be applied or varied as determined by the Planning Board in the site plan or special permit review process; apply to the overall site area as defined by the Planning Board; and in no case be varied to be less than that required in the GB General Business District. In no case shall the minimum lot size for the relevant use be varied by the Planning Board except in situations where PB or RB uses are proposed in the GB Zone, and, in such cases, the Planning Board shall have the authority to reduce the minimum lot size for the use to the minimum extent necessary, but in no case to less than two acres. The phrase "as regulated therein" in the portions of the Schedule of Nonresidential Uses addressing the permissibility of PB uses in the GB Zone, and of RB uses in the GB Zone, shall be interpreted and applied consistent with the provisions of this footnote.
- (f) Front yard setback requirements shall be increased by 10 feet along state or county roads.
- (g) Where parking is located between a building and the road, the front line shall be at least 75 feet deep, and access across any street frontage shall be limited to a separate entrance and exit drive.
- (h) Higher coverage may be approved by the Planning Board in approving site plans under Article XI.
- (i) See § 150-61D(2).
- (j) Cultural activities, such as outdoor concerts, shall require an activity permit from the Town Board, issued upon determination of no deleterious community impact.
- (k) The accessory manufacture of asphaltic products, and asphalt plants devoted thereto, with NYSDEC permits existing prior to the effective date of Local Law No. 3 of 1997 are hereby declared to be prior legal nonconforming uses with the right to continue in operation.
- (l) Sites in any zoning district which were devoted to the extraction and processing of natural resources, pursuant to a permit issued by the NYSDEC, or which were the subject of an application for such purpose accepted as complete by the NYSDEC, as of the effective date of Local Law No. 3 of 1997, shall be exempt from application of that local law's modification of the permissible district locations for extraction and processing of natural resources.
- (m) Multifamily buildings require a setback of 50 feet from a side yard lot line.