



| Structure/Land Use   | R5 | R3 | R1.5 | HR | HC | HB | CLI | FW |
|--|----|----|------|----|----|----|-----|----|
| Agriculture or farm use, including keeping of fowl or animals, in accordance with § 116-30   | P  | P  | P    | P  | P  | P  | P   | P  |
| Church or other place of worship, including meeting hall and similar facilities  | X  | SP | SP   | SP | SP | SP | X   | X  |
| Private or parochial, academic or technical school   | X  | SP | S4P  | SP | SP | SP | X   | X  |
| Day nursery or nursery school  | X  | SP | SP   | SP | SP | SP | X   | X  |
| Hospital, nursing home or medical clinic   | X  | SP | SP   | SP | SP | SP | SP  | X  |
| Cultural facilities (library, art gallery, museum, etc.), institutions and philanthropic uses  | X  | SP | SP   | SP | P  | P  | X   | X  |
| Nonprofit membership club or nonprofit recreation and athletic facility  | SP | SP | SP   | SP | SP | SP | X   | X  |
| Cemetery or crematory  | SP | SP | SP   | SP | X  | X  | X   | X  |
| Public utility or transportation use, excluding garage and maintenance facility  | SP | SP | SP   | SP | SP | P  | P   | X  |
| Public utility or transportation garage or maintenance facility  | X  | X  | X    | X  | X  | X  | SP  | X  |
| Governmental buildings and uses (nonproprietary functions)   | X  | P  | P    | P  | P  | P  | X   | X  |
| Golf course or country club  | SP | SP | SP   | X  | X  | SP | SP  | SP |
| <b>Accessory uses</b>  |    |    |      |    |    |    |     |    |
| Class 1 home occupation, occurring wholly within dwelling  | P  | P  | P    | P  | P  | P  | P   | X  |
| Class 2 home occupation, occurring outside or within customary accessory structure or elsewhere on the residential premises              | SP | SP | SP   | SP | SP | SP | SP  | X  |
| Accessory use or structure incidental to the permitted or special permit use and located on the same lot, not otherwise specified herein | P  | P  | P    | P  | P  | P  | P   | X  |
| Stables for horses for noncommercial purposes  | P  | P  | P    | X  | X  | X  | X   | X  |
| Accessory apartment within single-family dwelling, as defined in § 116-4B  | SP | SP | SP   | SP | SP | SP | X   | X  |
| Guest cottage on residential premises  | SP | SP | SP   | SP | SP | SP | X   | X  |
| Single-family residence accessory to business or institutional use   | X  | SP | SP   | SP | SP | SP | SP  | X  |

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|---|----|----|------|----|----|----|-----|----|
| Roadside (farm produce) stand   | SP | SP | SP   | SP | P  | P  | P   | X  |
| Commercial uses (in addition to home occupations)                                       |    |    |      |    |    |    |     |    |
| Riding academy  | SP | SP | X    | X  | X  | X  | X   | X  |
| Vacation resort, day camp, camp cottage or cabin development                            | SP | SP | SP   | SP | X  | X  | X   | X  |
| Funeral home  | X  | X  | SP   | SP | SP | SP | X   | X  |
| General or professional office  | X  | X  | SP   | SP | P  | P  | P   | X  |
| Retail business or service not otherwise specified herein                               | X  | X  | X    | X  | P  | P  | P   | X  |
| School conducted for profit   | X  | X  | X    | X  | SP | SP | SP  | X  |
| Personal service establishment (beauty shop, barbershop, etc.)                          | X  | X  | X    | X  | P  | P  | P   | X  |
| Hotel, motel or lodge development   | SP | SP | SP   | SP | SP | SP | SP  | X  |
| Restaurant not integral to a hotel, motel or lodge development                          | X  | SP | SP   | SP | P  | P  | P   | X  |
| Tavern, bar or nightclub not integral to a hotel, motel or lodge development            | X  | X  | X    | X  | SP | SP | SP  | X  |
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| Commercial recreation facilities, mountain-related                                      | SP | SP | X    | X  | X  | X  | X   | X  |
| Other commercial recreation and amusement facilities                                    | X  | X  | X    | X  | SP | P  | P   | X  |
| Limited neighborhood business uses  | X  | X  | X    | X  | P  | P  | P   | X  |
| Gasoline station  | X  | X  | X    | X  | X  | SP | SP  | X  |
| Campgrounds, recreational vehicle and camping trailer parks                             | X  | SP | SP   | X  | X  | SP | SP  | X  |
| Boarding or breeding kennels  | SP | SP | X    | X  | X  | P  | P   | X  |
| Veterinarian's office or animal hospital (fully enclosed)                               | X  | SP | X    | X  | SP | P  | P   | X  |
| Self-service laundry  | X  | X  | X    | X  | SP | P  | P   | X  |
| Bed-and-breakfast establishment   | SP | SP | SP   | SP | P  | P  | X   | X  |
| Health club or other profit-making recreational club                                    | X  | X  | X    | X  | SP | P  | P   | X  |
| Commercial nurseries or greenhouses   | SP | SP | SP   | SP | SP | P  | P   | X  |
| Building material supply and sales  | X  | X  | X    | X  | X  | X  | P   | X  |
| Light industrial/heavy commercial uses  |    |    |      |    |    |    |     |    |
| Research laboratories, light industrial, warehousing, processing and manufacturing uses | X  | X  | X    | X  | SP | X  | P   | X  |

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|---|----|----|------|----|----|----|-----|----|
| Automobile service station, including car wash                  | X  | X  | X    | X  | X  | X  | SP  | X  |
| Automobile or equipment rental or sales                         | X  | X  | X    | X  | SP | X  | SP  | X  |
| Wholesale business or sales not otherwise specified herein      | X  | X  | X    | X  | SP | X  | P   | X  |
| Laundry or dry-cleaning plant                                   | X  | X  | X    | X  | X  | X  | P   | X  |
| Contractor's yard/establishment                                 | SP | SP | SP   | X  | X  | X  | SP  | X  |
| Sawmill   | SP | SP | X    | X  | X  | X  | SP  | X  |
| Unenclosed storage of junk cars and parts and other materials   | X  | X  | X    | X  | X  | X  | X   | X  |
| Radio, television and other transmission structures             | SP | SP | X    | X  | X  | X  | SP  | X  |
| Telecommunications facilities                                   | SP | SP | X    | X  | X  | X  | X   | X  |
| Natural resource uses   |    |    |      |    |    |    |     |    |
| Timber harvesting or commercial logging, as defined in § 116-4B | SP | SP | SP   | X  | X  | X  | X   | X  |
| Commercial excavation (sand/shale/gravel/ stone quarry)         | SP | SP | SP   | X  | X  | X  | SP  | X  |
| Water bottling and related uses                                 | SP | SP | SP   | X  | X  | X  | SP  | X  |

## Chapter 116. Zoning

### Article VI. Supplementary Regulations

#### § 116-32. Residential cluster development.

The Planning Board is authorized simultaneously with the approval of a plat or plats pursuant to Article 16 of the Town Law of the State of New York and the Land Subdivision Regulations of the Town of Shandaken<sup>[1]</sup> to modify applicable provisions of this chapter in order to accommodate residential cluster developments. Application of this authority shall be subject to the conditions set forth in § 281 of the Town Law and those further requirements and limitations set forth below:

A. Maximum number of dwelling units.

- (1) The maximum number of dwelling units that may be permitted and approved within a cluster development shall not exceed the number of lots shown on an approvable sketch plat for lot-by-lot development of the site for single-family detached dwellings. Lots shown on the sketch plat shall be fully consistent with both the lot area and bulk requirements of the zoning district or districts in which the cluster development is proposed and the requirements of the town's Land Subdivision Regulations<sup>[2]</sup> and the Ulster County Health Department for the provision of streets and other required facilities and improvements. Platting shall be restricted to those portions of the site which are considered by the Planning Board to be suitable for residential building development, based on an analysis of the site's topographic, geologic and hydrological characteristics. Any lands which are subject to flooding or are comprised of designated wetlands, ponds, streams or slopes in excess of 20% shall not be considered suitable for building development for purposes of this analysis.

[2] *Editor's Note: See Ch. 105, Subdivision of Land.*

- (2) (Reserved)<sup>[3]</sup>

[3] *Editor's Note: Former Subsection A(2), which provided an alternate method of establishing the maximum number of permissible dwelling units within a cluster development, was deleted 12-28-1992 by L.L. No. 3-1992.*

- B. Central water supply and common sewage disposal facilities shall be provided to wholly service any such residential cluster development in accordance with the requirements of the Town of Shandaken and Ulster County Health Department. Municipal ownership of such facilities shall be required to qualify for certain residential density increases set forth for the R1.5 District in the District Schedule of Area and Bulk Regulations.<sup>[4]</sup>

[Amended 12-28-1992 by L.L. No. 3-1992]

[4] *Editor's Note: The District Schedule of Area and Bulk Regulations appears at the end of this chapter.*

- C. While attached or detached dwelling units are permissible within a cluster development, no individual structure shall contain more than four attached dwelling units in the R5 and R3 Districts or more than six attached dwelling units in the R1.5 and HR Districts.

[Amended 12-28-1992 by L.L. No. 3-1992]

- D. Mobile homes shall not be permitted within any residential cluster development as governed by this section, nor shall any residential cluster development occur within the HC District.
- E. The minimum number of residential dwelling units that may be considered eligible for approval as a cluster development shall be six dwelling units, except that in the R5 District four dwelling units may be considered a sufficient number to constitute a cluster development.
- F. Common driveway access shall be provided to the extent considered practicable by the Planning Board.
- G. Common open space totaling not less than 50% of the total cluster development site shall be provided in perpetuity for the use and beneficial enjoyment of all residents within the cluster development. A plan for landscaping and other development of the common open space area shall be reviewed and approved by the Planning Board, specifically including the requirement that a landscaped buffer of deciduous and coniferous trees and shrubs shall be provided to visually separate a cluster development of attached dwelling units or detached units on cluster lots of less than one acre in land area from abutting lot-by-lot residential development. No portion of the minimum required common open space shall be utilized for roads, driveways, utility structures or similar features.  
[Amended 12-28-1992 by L.L. No. 3-1992]
- H. A homeowners' association, or similar mechanism, for the long-term ownership and maintenance of common open space shall be provided, subject to the approval of the Town Planning Board during the subdivision review process and to filing with the requisite county and state authorities. Similar provision shall be made for the long-term ownership and maintenance of roadways, drainageways, utilities and other improvements within the cluster development. In addition, the grant of a conservation easement to the Town of Shandaken or a qualified nonprofit land trust acceptable to the town shall be required to ensure the long-term protection of the common open space.  
[Amended 12-28-1992 by L.L. No. 3-1992]
- I. The minimum front, rear and side yards required by the District Schedule of Area and Bulk Regulations<sup>[5]</sup> for the zoning district in which the cluster development is proposed shall be doubled (that is, increased by 100%) to establish the minimum front, rear and side yards required for the cluster development. Doubling of the minimum required front yard does not, however, apply to the required front setback from roads or streets wholly within the cluster development.  
[5] *Editor's Note: The District Schedule of Area and Bulk Regulations is included at the end of this chapter.*
- J. Maximum structure height within a cluster development shall be restricted to 35 feet, as otherwise applicable within all zoning districts within the Town of Shandaken.
- K. The minimum separation distance between individual residential structures within a cluster development shall be 100 feet in the R5 and R3 Districts, 75 feet in the R1.5 District and 50 feet in the Hamlet Residential (HR) District.  
[Amended 12-28-1992 by L.L. No. 3-1992]
- L. Any cluster development consisting of more than 40 dwelling units shall be divided into geographically distinct sections, with no residential structure consisting of attached dwelling units in any one section located less than six times the structure-to-structure separation distances stated above from any residential structure in any other section of the cluster development or any adjoining cluster development. The intervening land area is to be wholly developed and maintained as common open space in lawn, forest or other natural vegetation.
- M. The maximum net density within a cluster development shall be four dwelling units per acre in the R5 and R3 Districts, to six dwelling units per acre in the R1.5 District and to eight dwelling units per acre in the HR District.  
[Added 5-12-1993 by L.L. No. 3-1993]
- N. All dwelling units within a cluster development authorized by the Planning Board under the provisions of § 281 of the Town Law<sup>[6]</sup> shall be designed in the plan and provided for in a

homeowners' association agreement to be both individually owned and occupied units.

[Added 5-12-1993 by L.L. No. 3-1993]

[6] *Editor's Note: See now § 278 of the Town Law.*

- O. The Planning Board's review and approval of a residential cluster development shall include all elements of site layout, site improvements and exterior building and site design as set forth in either the town's Land Subdivision Regulations<sup>[7]</sup> or Article **VIII** of this chapter.

[Added 5-12-1993 by L.L. No. 3-1993]

[7] *Editor's Note: See Ch. 105, Subdivision of Land.*

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