

ZONING

60 Attachment 2

TOWN OF NEW CASTLE
§ 60-410A. Schedule of regulations for residence districts.
Use Regulations -- Part 1

[Amended 4-14-1973; 6-11-1974; 4-22-1975; 4-26-1977 by L.L. No. 5-1977; 12-13-1977 by L.L. No. 18-1977; 8-22-1978 by L.L. No. 5-1978; 5-22-1979 by L.L. No. 6-1979; 9-11-1979 by L.L. No. 12-1979; 10-29-1979 by L.L. No. 16-1979; 4-27-1982 by L.L. No. 5-1982; 9-14-1982 by L.L. No. 5-1982; 9-14-1982 by L.L. No. 11-1982; 12-29-1982 by L.L. No. 17-1982; 5-8-1984 by L.L. No. 4-1984; 4-16-1985 by L.L. No. 8-1985; 1-23-1990 by L.L. No. 1-1990; 6-25-1991 by L.L. No. 13-1991; 4-8-1997 by L.L. No. 6-1997; 4-8-1997 by L.L. No. 7-1997; 10-14-1997 by L.L. No. 18-1997; 7-13-1999 by L.L. No. 12-1999; 10-12-1999 by L.L. No. 18-1999; 8-9-2011 by L.L. No. 10-2011; 11-21-2017 by L.L. No. 9-2017; 7-16-2019 by L.L. No. 10-2019]

The following are the only uses permitted in residence districts. All uses not listed shall be deemed to be prohibited. A use marked with an asterisk (*) is subject to the approval procedure set forth in § 60-430 and shall conform to any additional requirements made in connection with such approval. A use marked with a # is subject to development plan approval procedure set forth in § 60-440.		
	Permitted Principal Uses	Permitted Accessory Uses (only in conjunction with a permitted principal use)
R-2A, R-1A, R-½A and R-¼A	<ol style="list-style-type: none"> 1. 1-family detached dwelling. *2. Place of worship, including parish house and religious school. [See § 60-430O(2).] 3. Public school. *4. Private school. (See § 60-437.2.) *5. Public library, museum or art gallery not operated for profit. [See § 60-430O(2).] 6. Municipal use of the Town of New Castle. *7. Monastery or private club, not operated for profit. [See § 60-430O(4).] *8. Plant nursery. *9. Day nursery or day play school operated and conducted in accordance with recognized standards and practices in the field of child training or education. [See § 60-430O(2).] *10. College, seminary or university having a curriculum approved by the State Board of Regents. [See § 60-430O(2).] 	<ol style="list-style-type: none"> 1. Garden house, toolhouse, playhouse, greenhouse, swimming pool, tennis court, platform tennis court or other outdoor recreational use incidental to a permitted residential use and not operated for profit, including children’s outdoor recreational apparatus. 2. Off-street parking facilities for use of the occupants of the premises and their guests, provided that no more than 1 parking space is leased to a person not resident on the premises, and provided that no commercial vehicles or construction equipment shall be regularly parked on the premises, except 1 vehicle of no more than 1-ton capacity used in connection with a permitted use, in which case it shall be stored in an enclosed structure. Temporary permits for additional parking of commercial vehicles and construction equipment may be granted by the Board of Appeals for a period not to exceed 90 days. 3. The keeping of horses and/or ponies, including necessary stable facilities, provided that there is at least 1/2 acre of lot area per horse or pony, and provided that no stables are maintained within 50 feet of any lot line. 4. The keeping of a reasonable number of customary household pets, including no more than 3 dogs over 6 months of age, except that the Board of Appeals may permit the keeping of additional such pets subject to § 60-430, but excluding any commercial breeding or boarding of the same.

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	Permitted Principal Uses	Permitted Accessory Uses (only in conjunction with a permitted principal use)
District	<p>*11. Summer theater for presentation of plays between June 1 and October 1. [See § 60-430O(2).]</p> <p>*12. Gas and electric power transmission lines and transformers and switching stations. [See § 60-430O(1).]</p> <p>*13. Riding academies on lots of at least 10 acres. [See § 60-430O(2).]</p> <p>*14. Nursing homes. [See § 60-430O(5).]</p> <p>*15. For religious (other than places of worship as permitted under 2 above and monasteries as permitted under 7 above), charitable or other similar nonprofit uses, hereinafter referred to as “institutional uses.” [See § 60-430O(6).]</p>	<p>*5. Dormitory facilities in connection with a permitted school, college, seminary or university.</p> <p>#6. Professional office or customary home occupation. (See § 60-410G.)</p> <p>*7. Group instruction. [See § 60-430O(8).]</p> <p>8. Signs, as permitted by § 60-410D(12).</p> <p>9. Raising of garden crops, vineyard crops, fruits and plants incident to the residential use of the land; on lots of at least 1 acre, the keeping and raising of chickens, subject to § 60-410N. On lots located in the R-1A District that are less than one acre, the keeping and raising of no more than 6 chickens, provided that all setback requirements set forth in § 60-410N are met.</p> <p>*10. On lots of at least 1/2 acre but less than 1 acre, the keeping and raising of chickens, subject to § 60-430O(18).</p> <p>*11. The regrading, filling or excavation of land, provided that no earth material, including sand, gravel or topsoil is removed from the subject premises.</p>
	<p>*16. The farming of crops and/or the raising of poultry, livestock, chinchillas or rabbits, subject to the issuance of a special use permit by the Town Board.</p> <p>*17. Multifamily designed residential developments (MFDRD) on lots equal to at least 100 times the minimum lot size requirement for 1-family dwellings in the district(s) in which located, subject to Planning Board approval. [See § 60-430O(9).]</p> <p>#18. Utility structures for the transmission, storage and/or treatment of water and sewage. For aboveground structures, the minimum setback from all property lines shall be 50 feet. The Planning Board may increase or decrease such setback requirements on individual properties by up to 50% based upon consideration of topographic conditions, the nature of adjoining land uses, existing vegetation and other screening. Buffer screening shall be provided in accordance with [§ 60-420D(2)].</p>	<p>12. Any equipment serving or being used in conjunction with wireless telecommunications facilities and located on the same property or lot as the wireless telecommunications facilities, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, buildings and similar structures, and, when collocated on a structure, which is mounted or installed at the same time as an antenna.</p> <p>*13. Storage of trailer or boat, provided that such trailer or boat is enclosed by a building or is otherwise screened for 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.</p>

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[Amended 7-16-2019 by L.L. No. 10-2019]

The following are the only uses permitted in residence districts. All uses not listed shall be deemed to be prohibited. A use marked with an asterisk (*) is subject to the approval procedure set forth in § 60-430 and shall conform to any additional requirements made in connection with such approval. A use marked with a # is subject to development plan approval procedure set forth in § 60-440.		
	Permitted Accessory Uses	
	(only in conjunction with a permitted principal use)	
District	Permitted Principal Uses	Permitted Accessory Uses
R-2A, R-1A, R-½A and R-¼A (cont'd)	<p>#19. Recreation areas and facilities constructed as part of a residential development, provided that such facilities shall be located on a lot held in common ownership by an approved homeowners association, and their use shall be restricted to the members of the homeowners association and their nonpaying guests. The minimum setback from all property lines shall be 50 feet. The Planning Board may increase or decrease such setback requirements on individual properties by up to 50% based upon consideration of topographic conditions, the nature of adjoining land uses, existing vegetation and other screening. Buffer screening shall be provided in accordance with § 60-420D(2).</p> <p>*20. Senior citizens shared residences, subject to special permit approval by the Zoning Board of Appeals and in compliance with § 60-430O(11), are permitted in R-1/4A.</p> <p>#21. Small wireless facilities, subject to § 60-410O.</p> <p>*22. Non-small cell wireless facilities subject to issuance of a special permit by the Planning Board in accordance with the provisions of § 60-430O(14).</p> <p>23. Two-family Model Ordinance Provisions Affordable AFFH Units.</p>	<p>#14. Accessory apartment, subject to § 60-410H(5).</p> <p>#15. Dwelling units for servants in separate dwelling buildings, provided that such buildings are located so that the sites upon which they are situated could, in the opinion of the Planning Board, be subdivided in the future from the remainder of the parcel in such a way as to create a separate conforming lot for each such dwelling unit, and provided further that each such dwelling unit shall comply with all applicable requirements for construction or alteration of structures in such residential districts.</p> <p>#16. Swimming pool, tennis court, racquetball court, squash court, gymnasium or similar recreational facility located in a detached accessory building or an accessory building connected to the principal building, provided that the use of such facility is limited to the residents of the property and their nonpaying guests. The maximum permitted coverage of such a building shall not exceed 2% of the lot area. The minimum setback from all property boundaries shall be 50 feet for buildings covering less than 2,000 square feet plus 25 feet for each additional 1,000 square feet. The Planning Board may increase or decrease such setback requirements on individual properties by up to 1/3 based upon topographic conditions, adjoining land uses, landscaping and other forms of screening.</p> <p>17. The regrading, filling or excavation of land, including the removal of earth material, which is necessary and incidental to the use or development of land pursuant to an approved subdivision, site plan, special permit, wetlands permit or other written permit or written approval granted by the Town of New Castle or an agency or official thereof.</p> <p>18. Solar energy collector.</p> <p>#19. Dish antenna, subject to § 60-410I.</p> <p>20. The renting of not more than 1 bedroom in an owner-occupied 1-family principal dwelling building to not more than 1 nontransient roomer or boarder, provided that such room shall be rented to the same occupant for a period of not less than 1 month, shall contain at least 100 square feet of floor area exclusive of closet space and shall not have separate kitchen facilities other than a refrigerator, and further provided that the availability of rented quarters in such dwelling shall not be advertised on the premises, and the entry to such dwelling and its design shall be such that its exterior appearance will remain that of a 1-family dwelling.</p> <p>21. The keeping, maintaining and flying of pigeons, subject to section 60-410K.</p>

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TOWN OF NEW CASTLE § 60-410A. Schedule of regulations for residence districts. Use Regulations – Part 3

[Amended 7-16-2019 by L.L. No. 10-2019; 12-17-2019 by L.L. No. 15-2019; 7-26-2022 by L.L. No. 10-2022]

The following are the only uses permitted in residence districts. All uses not listed shall be deemed to be prohibited. A use marked with an asterisk (*) is subject to the approval procedure set forth in § 60-430 and shall conform to any additional requirements made in connection with such approval. A use marked with a # is subject to development plan approval procedure set forth in § 60-440.		
		Permitted Accessory Uses (only in conjunction with a permitted principal use)
District	Permitted Principal Uses	
MFPD, MFR-M, MFR-C	#1. Multifamily dwellings. (See § 60-410H.) #2. Utility structures for the transmission, storage and/or treatment of water and sewage. For aboveground structures, the minimum setback from all property lines shall be 50 feet. The Planning Board may increase or decrease such setback requirements on individual properties by up to 50% based upon consideration of topographic conditions, the nature of adjoining land uses, existing vegetation and other screening. Buffer screening shall be provided in accordance with § 60-420D(2).	1. Off-street parking facilities limited to the exclusive use of the occupants of the premises and their guests and not operated for profit. 2. Recreation areas and facilities. 3. Garden house, greenhouse, toolhouse, refuse storage facilities and other similar incidental accessory use. 4. The keeping of a reasonable number of customary household pets, including no more than 1 dog over 6 months of age in each individual dwelling unit.
	#3. Recreation areas and facilities constructed as part of a residential development, provided that such facilities shall be located on a lot held in common ownership by an approved homeowners association, and their use shall be restricted to the members of the homeowners association and their non-paying guests. The minimum setback from all property lines shall be 50 feet. The Planning Board may increase or decrease such setback requirements on individual properties by up to 50% based upon consideration of topographic conditions, the nature of adjoining land uses, existing vegetation and other screening. Buffer screening shall be provided in accordance with § 60-420D(2).	5. Signs, as permitted by § 60-410D(12). 6. Central antenna system subject to § 60-410H(2)(g)[2], provided that its height does not exceed 20 feet above the maximum permitted height of a building in that location. 7. Professional office or customary home occupation, as permitted by § 60-416, provided that no nonresidents shall be permitted to work on the premises.
	#4. Small wireless facilities, subject to § 60-410O. *5. Non-small cell wireless facilities, subject to issuance of a special permit by the Planning Board in accordance with the provisions of § 60-430O(14). #6. Publicly owned community facilities.	8. The regrading, filling or excavation of land, including the removal of earth material, which is necessary and incidental to the use or development of land pursuant to an approved subdivision, site plan, special permit, wetlands permit or other written permit or written approval granted by the Town of New Castle or any agency or official thereof. 9. Solar energy collector. #10. Dish antenna subject to § 60-410I. 11. The renting of not more than 1 bedroom in an owner-occupied 1-family dwelling to not more than 1 nontransient roomer or boarder, provided that such room shall be rented to the same occupant for a period of not less than 1 month, shall contain at least 100 square feet of floor area exclusive of closet space and shall not have separate kitchen facilities other than a refrigerator, and further provided that the availability of rented quarters in such dwelling shall not be advertised on the premises, and the entry to such dwelling and its design shall be such that its exterior appearance will remain that of a 1-family dwelling. 12. The keeping, maintaining and flying of pigeons, subject to § 60-410K. 13. Any equipment serving or being used in conjunction with wireless telecommunications facilities and located on the same property or lot as the wireless telecommunications facilities, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, buildings and similar structures, and, when collocated on a structure, which is mounted or installed at the same time as an antenna.