

ZONING

240 Attachment A4

APPENDIX A

Schedules A1, A2 and A3 (§ 240-27)

Permitted Uses and Special Permit Uses

[Amended 10-28-2015 by L.L. No. 2-2015; 5-23-2018 by L.L. No. 6-2018;
5-8-2019 by L.L. No. 3-2019; 11-20-2024 by L.L. No. 8-2024]

NOTES

¹ Several overlay zones are not indicated on this table. These include the Stream Corridor (§ 240-31C), Historic (§ 240-31D), Scenic (§ 240-31E), Ridgeline Protection (§ 240-31F) and Groundwater Protection (§ 240-31G) Overlay Zones.

² In H District maximum footprint per structure is 6,000 square feet.

³ With the exception of Industrial Districts, permitted only by the mapping of a floating zone as provided in § 240-34; however, excavation or removal in the following cases shall be permitted in all zoning districts, subject only to such other permits as this chapter may require:

- (1) A landscape operation in which topsoil is removed from one part of the property and deposited on another part of the same property, provided that it is replaced with a cover of the earth in which the vegetable matter may take root and grow and is seeded with grass, permanent pasture mixture or other fast-growing vegetation repeatedly, as necessary, until the growth is established.
- (2) The excavation of topsoil and other natural resources from within the limits of the right-of-way or slope rights of any Town, county or state highway or for the sole purpose of building roads and slopes incidental thereto which lie within the area of a subdivision approved by the Planning Board of the Town of LaGrange or on file in the County Clerk's office in Dutchess County, New York.
- (3) The improvement of a single lot or parcel of land in connection with construction of a dwelling, multiple dwelling, building or any other structure or structures for which a building permit has been issued or in connection with agricultural land improvements such as farm ponds and soil conservation measures, provided that such improvement conforms to the following standards and conditions:
 - (a) Final slopes shall be finished at a grade no greater than the natural angle of repose, except where supported by a retaining wall.
 - (b) Any lakes or ponds that are created shall have a sufficient depth and inflow of water to prevent eutrophication and to prevent their becoming stagnant in dry periods.
 - (c) Topsoil may be disturbed and relocated in connection with any permitted excavation but shall be replaced with earth in which vegetable matter may take root and grow and shall be seeded with grass, permanent pasture mixture or other fast-growing vegetation repeatedly, as necessary, until the growth is established.
 - (d) Topsoil or other natural resources which are excavated to permit the improvement of property may be removed from the property, provided that this amount is specified in the building permit for such improvement.
 - (e) There shall be no processing of excavated materials by a rock crusher or similar equipment on the premises.

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- (f) Any regrading, removal or excavation that is permitted under these provisions of exception, subject to the issuance of a building permit, shall be completed within one year of the date of the issuance of said permit.
 - (g) In the event that the construction for improvements for which preparatory excavation is performed does not commence within six months of the commencement of such excavation, the permittee shall be required to immediately begin reclamation operations to restore the land to a condition that will minimize erosion and any unsightly conditions.
- (4) The above provisions notwithstanding, excavation and removal shall be limited to not more than 100 cubic yards of material from each 40,000 square feet of lot area, in any calendar year, and not more than 600 cubic yards of materials may be removed from any parcel in any calendar year.

4 A school that lawfully existed prior to, and that has been continuously used as a school since, February 18, 1988.

5 Special permits required in some cases. See § 240-54.

6 Limited to one model home per lot.

7 The SP designation is qualified and limited by the standards for locating new towers set forth within § 240-49D(1),(2) and (3).

8 Drive-through service facilities are prohibited.

9 Passive recreation is permitted in all zoning districts as accessory to site plan or special permit uses. Passive recreation as an accessory use need not be open to the public. Whether the accessory use of passive recreation shall be open to the public shall be determined by the Planning Board during the site plan review process.

10 One or more apartments may be included in combination within a building in which the first floor is solely devoted to commercial use, subject to service of the uses by public sewer and water, and availability of at least 1.65 parking spaces for each apartment unit in such mixed-use building, with discretion of the Planning Board, but not the obligation, to allow for allocated use of common parking spaces as between commercial and residential units as circumstances may reasonably allow. The requirement that the first floor be solely devoted to commercial use shall not be construed to prevent placement on the first floor of an entrance lobby and access facilities to serve residential units in the upper stories of the building.

11 See § 240-72, Site plans.

12 See § 240-71, Standards for special permits.

13 See § 240-38, Hamlet District.

14 See § 240-39, Design standards for Commercial (C) and General Business (GB) Districts.

15 See § 240-35, Town Center design standards.

16 See § 240-40, Design standards for Industrial (I) District.

17 See § 240-52, Accessory apartments.

18 See § 240-69, Adult-oriented business.

19 See § 240-51, Multifamily dwellings.

20 See § 240-64, Residential health-care facilities, adult homes and group homes (long-term-care facilities).

21 See § 240-59, Single-family residential units in TCB District.

22 See § 240-47, Accessory structures.

23 See § 240-63, Cemeteries.

24 See § 240-61, Veterinary clinics and commercial kennels.

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- ²⁵ See § 240-70, Summer day camps may be permitted in certain instances as an additional principal special permit use.
- ²⁶ (Reserved)
- ²⁷ See § 240-112, the definition of “fast-food restaurant.”
- ²⁸ See § 240-65, Automotive repair and gasoline filling stations.
- ²⁹ See § 240-54, Home occupations.
- ³⁰ See § 240-55, Overnight accommodations.
- ³¹ See § 240-62, Boarding stable and horse riding school.
- ³² See § 240-49, Wireless communications towers and facilities.
- ³³ See § 240-70.1, Drive-through service facilities.
- ³⁴ See § 240-68, Farm stands.
- ³⁵ See § 240-85, Use permits.
- ³⁶ See § 240-38.1, Gateway Hamlet Districts.
- ³⁷ See § 240-112, Definitions.
- ³⁸ See Ch. 126, Furnaces (outdoor furnaces).
- ³⁹ See § 240-70.2, Solar energy systems.
- ⁴⁰ For small cell wireless facilities, see § 240-49.1, Small Cell Wireless Communications Facilities.