

**TOWN OF ORANGETOWN
LOCAL LAW NO. ___ OF 2025 OF THE
INCORPORATED TOWN OF ORANGETOWN, NEW YORK
AMENDING CHAPTER 43 OF THE TOWN CODE ENTITLED “ZONING”
TO PROVIDE FOR A RESIDENTIAL FLOATING ZONE IN AN LI DISTRICT**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ORANGETOWN AS FOLLOWS:

Section 1.

Chapter 43, Article IV of the Town of Orangetown Zoning Code entitled “Additional Use Regulations” is hereby amended by adding a new section to be identified as Section 4.7 to be entitled “LI-Residential floating zone” as follows:

4.7 Light Industrial-Residential (LI-R) floating zone.

4.71. Purpose and intent. The purpose and intent of the Light Industrial-Residential floating zone (LI-Residence) is to facilitate the establishment of multifamily dwellings in the Light Industrial (LI) District as a transitional use between existing industrial and residential areas. The LI-R floating zone shall be an unmapped zoning district that may be mapped at the discretion of the Town Board on an eligible site, subject to the provisions of this section and Section 10.5 of the Zoning Ordinance with regard to the review of zoning text and map amendments.

4.72. Eligible sites. Mapping of the LI-R floating zone may be considered for any property located within the Light Industrial (LI) District that is ten (10) acres or larger in size and adjacent to any low-density or medium-density residential district.

4.73. Permitted principal use. An LI-Residential floating zone shall be the principal permitted use in the LI-R defined as a complex of one or more detached or attached multifamily buildings that together contain twenty (20) or more dwelling units. An LI-R development may consist of apartment-style units and/or attached or semi-attached townhome style units for sale or rent within multiple buildings on the same Lot. Each unit may contain one-bedroom, two-bedroom, or three-bedroom units; however not more than 10% of the total number of units in an LI-R development shall be three-bedroom units.

4.74. Permitted accessory uses. In addition to the permitted dwelling units and associated off-street parking facilities, an LI-R development may also include the following accessory uses:

1. Indoor or outdoor swimming pool for residents
2. Fitness Center for residents
3. Dog park or other outdoor recreational areas for residents

4.75 Lot and bulk controls. LI-R sites shall meet the following lot and bulk controls:

1. Minimum lot area: 10 acres
2. Maximum density permitted: 15 dwelling units per acre
3. Maximum floor area ratio: 0.60
4. Minimum street frontage: 150 feet
5. Maximum building coverage: 65%
6. Minimum front yard: 50 feet from lot line
7. Minimum side yard setback (one/both): 50 feet from lot line for side yard adjoining residential district / 75 feet combined
8. Rear yard: 50 feet from lot line
9. Maximum building height: 4 stories or 50 feet
10. Minimum off-street parking:
 - a. Apartment-style units: 1.5 parking spaces per one unit, which may be located in a private parking garage or parking lot.
 - b. Attached or Semi-attached townhome style units: two parking spaces per unit, which may be provided for in an individual driveway or covered garage attached to the unit.
 - c. Off-street parking spaces may be located within side yard setbacks, except where the side yard adjoins a residential district.

4.76. Additional Regulations.

A. The portion of the LI-R site adjoining a residential district boundary shall be screened in compliance with requirements of the Code by installing a landscaped area at least six feet wide along the boundary line that shall be densely planted with shrubs or trees at least six feet high at the time of planting, that are of a type that will form a year-round dense screen of at least six feet high, or, if required by the Town Board, an opaque wall or barrier or uniformly painted fence at least six feet high.

B. Where an applicant cannot meet the requirements of any part or parts of this section, the Town Board shall have the power at the time of rezoning to waive or modify such requirements as contained herein as long as the objectives of this article can still be met.

4.77. Procedure.

A. Application to rezone to the LI-R floating zone shall be made to the Town Board in accordance with applicable provisions of § 10.5 of this chapter. A petition for a rezoning to the LI-R designation shall be in a form sufficient to enable the Town of Orangetown to evaluate the applicant's proposal and its consistency with the intent, purposes and general design standards expressed herein. The petition for a rezoning shall also be accompanied by a written description of the proposed development and a concept plan.

B. The Town Board may retain professional consultants as deemed necessary in order to review any proposed LI-R concept plans, with funding for said consultants provided by the applicant for the LI-R through the establishment of an escrow account. The amount of said escrow shall be determined by the Town Board in consultation with the applicant.

C. Concurrent site plan and/or subdivision review. An applicant may submit a detailed site plan and/or subdivision plat concurrently with the petition for rezoning to LI-R, subject to site plan and/or subdivision review procedures for the Town of Orangetown, including Planning Board review of said plans and related documentation. Approval of the site plan may not, however, occur until the rezoning occurs.

D. The Town Board expressly reserves the right and the authority to review any proposed site plan or subdivision plat before preliminary approval by the Planning Board of any development within a LI-R to determine whether, in the judgment of the Town Board, the proposed plan or plat does not substantially deviate from the final concept plan presented to and reviewed by the Town Board as part of the rezoning process.

(1) No site development plan or subdivision plat shall receive preliminary approval by the Planning Board, unless the plat or plan proposed for such approval shall first have been referred back to the Town Board for its review, and the Town Board shall have adopted a resolution evidencing the fact that the proposed plat or plan does not substantially deviate from the final concept plan or layout presented to, and reviewed by, the Town Board as part of the zone change process. The adoption of such resolution shall appear as a map note on any approved plat or plan.

(2) The term "substantially deviate," as used herein, shall mean that the site development plan and/or subdivision plat presented to the Planning Board for preliminary approval differs in a material manner from the final concept plan reviewed by the Town Board, and upon which the Town Board granted the LI-R zone change, and that that material change or deviation that may have been made to the concept plan, in the Town Board's sole judgment and discretion, is not consistent with the goals sought to be achieved by the grant of the zone change. The decision of the Town Board that the site development plan and/or the subdivision plat proposed for preliminary approval by the Planning Board substantially deviates shall require a majority vote of the Town Board plus one.

4.78. Town Board action on the application for rezoning to an LI-R floating zone.

A. If the petition for re-zoning is accepted by the Town Board for consideration, the Town Board shall refer the petition for rezoning and all accompanying maps, plans and reports to the Town Planning Board, the County Planning Department and other boards and agencies in accordance with applicable laws and regulations. Said boards, agencies and departments shall report back to the Town Board prior to the Town Board holding a public hearing on the proposed rezoning.

B. Following required public hearing(s) (which shall be held on notice which shall be furnished and accomplished by the applicant, at the sole cost and expense of the applicant, by mailing by first class mail at least seven days in advance to all property owners of properties located within 500 feet of any boundary of the property under consideration) and project review under the State Environmental Quality Review Act (SEQRA), the Town Board may approve, disapprove or take no action on the rezoning petition in accordance with the provisions of applicable law.

C. The Town Board, at its discretion, may attach any reasonable conditions on an approval of an LI-R as necessary to assure conformance with the intent and purposes of the Town Comprehensive Plan and the LI-R regulations, as specified herein.

D. Upon Town Board approval, the LI-R shall be noted on the Town's Official Map in accordance with Section 10.5 of the Zoning Ordinance.

Section 2.

Amend Chapter 43, Article 15 Section 15.4.1, subsection (D) to add "Light Industrial-Residential (LI-R)" to the list of zones that may request an exemption from registration with the Town of Orangetown Office of Building, Zoning, Planning, Administration and Enforcement (OBZPAE) as follows:

Apartment houses, apartment complexes, and garden apartments located in Multifamily Residence (MFR), ~~and~~ Planned Adult Community (PAC) and Light Industrial-Residential (LI-R) zones may request an exemption from registration from OBZPAE, which exemption may be granted if the owner or agent of such properties provides OBZPAE with the most recent contact information for a management company or operator for the properties, and the owner or agent shall be required to provide updates to OBZPAE whenever there is a change in such management.

Section 3. Severability Clause.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid parts.

Section 4. Authority.

This proposed Local Law is enacted and adopted pursuant to NYS Municipal Home Rule Law §10, and in accordance with the procedures prescribed in NYS Municipal Home Rule §20.

Section 5. Effective Date.

This Local Law shall take effect immediately upon the filing of a copy with the NYS Secretary of State in the manner prescribed by NYS Municipal Home Rule Law §27.