

TOWN OF WASHINGTON, NEW YORK
LOCAL LAW NO. 3 OF 2024

A LOCAL LAW TO AMEND THE ZONING CODE OF THE TOWN OF WASHINGTON TO
PROVIDE FOR THE USE OF THE NATURAL RESOURCES INVENTORY AND THE
ESTABLISHMENT OF A NEW HOSPITALITY OVERLAY DISTRICT PROVIDING FOR
INNS AND ADAPTIVE REUSE INNS

BE IT ENACTED by the Town Board of the Town of Washington as follows:

Section One. There is hereby added to the Zoning Code of the Town of Washington a new Section 221 entitled “Natural Resources Inventory” to read as follows:

SECTION 221. NATURAL RESOURCES INVENTORY

The Natural Resources Inventory (entitled Town of Washington and Village of Millbrook Natural Resources Inventory 2023) (“NRI”), which was adopted by resolution of the Town Board dated February 15, 2024, identifies and describes the naturally occurring resources located in the Town of Washington and Village of Millbrook, including climate, topography, geology and soils, water resources, and habitat, as well as farmland and conserved or publicly owned lands. By bringing this information together in one place, the NRI is a valuable resource to aid in the understanding and appreciation of the community’s natural resources. The NRI provides valuable baseline information for comprehensive and open space planning, zoning updates, identifying critical environmental areas, climate adaptation strategies, and other municipal plans and policies for the Town and Village. The NRI can also inform local land stewardship and conservation. When preparing development proposals, Applicants are directed to consult the NRI to satisfy the requirements and standards of this Local Law. The Planning Board shall consider the NRI to identify and understand natural resources during its review of any application before it, where relevant. Likewise, the NRI shall be used during any SEQRA review conducted by any municipal board. The Town Board hereby adopts these maps as official guidelines to be used in conjunction with this Local Law.

Section Two. There is hereby added to the Zoning Code of the Town of Washington a new Section 312 entitled “Hospitality Overlay District” to read as follows:

1. **Purpose and Intent.** The purpose and intent of the Hospitality Overlay District (hereinafter the “HOS District”) is to permit small-scale hospitality lodging uses and related accessory uses in appropriate locations within the Town. The creation of the HOS District is intended to support local tourism and economic development while ensuring that the scale and character of such uses are compatible with our rural and scenic character,

reducing conflicts between potentially incompatible land uses, and ensuring that such development protects environmental resources within the Town. It is also intended to promote sustainable development and historic preservation by encouraging investment in existing structures within the Town through adaptive reuse. Additionally, the purpose of the HOS District is also to ensure that hospitality uses are consistent with the adopted Town of Washington Comprehensive Plan.

2. **Overlay Boundary Description.** The boundaries and limits of the Hospitality Overlay District shall be as depicted on the map set forth in Appendix D entitled “Hospitality Overlay District”, Town of Washington, Dutchess County, New York.
3. **Interpretation of Boundaries.** The interpretation of any boundaries of the HOS District shall be in accordance with the provisions of Section 230.
4. **Effect of Overlay District.** The HOS District shall be a supplemental zoning district mapped in conjunction with the underlying zoning districts or floating districts. In the HOS District, the requirements of this Section shall be applied together with all the limitations and requirements applicable in the underlying zoning district, unless otherwise noted.
5. **Maximum Total HOS District Density.** There shall be no more than a combined total of three (3) Inns or Adaptive Reuse Inns in the HOS District, in which the total number of such establishments permitted may comprise a mix of Inns and Adaptive Reuse Inns.
6. **Uses Permitted in the HOS District.** All of the principal and accessory uses permitted in the underlying zoning district(s) shall continue to be permitted and remain unchanged. The HOS District does not add any additional principal or accessory uses permitted without a special permit. Motels, Hotels, Campgrounds, Glamping and all other uses not specifically listed as allowed in the underlying zoning district(s) are not permitted.
7. **Uses Allowed by Special Permit in the HOS District.** In addition to the Special Permit uses in the underlying zoning district(s), the following principal and accessory uses may also be permitted by Special Permit and subject to Site Plan Approval within the HOS District.
 - a. INNS;
 - b. ADAPTIVE REUSE INNS;
 - c. RESTAURANT (Accessory);
 - d. BAR/TAVERN (Accessory);
 - e. SPA AND/OR FITNESS GYM (Accessory); AND
 - f. SWIMMING POOLS (Accessory).

8. Use and Area Requirements and Limitations.

Any Inn or Adaptive Reuse Inn proposed pursuant to this Section shall adhere to the following minimum requirements and limitations:

- a. There shall be no more than twenty (20) guest rooms in any Inn. Guest rooms for an Inn may be developed through the construction of new square footage. A project that creates guest rooms through the use of existing structure(s) in addition to the construction of new square footage shall be deemed an Inn, not an Adaptive Reuse Inn, and shall be limited to a maximum of 20 guest rooms. For an Adaptive Reuse Inn, all guest rooms must be within the existing primary structure(s) being adaptively reused.
- b. There shall be no more than forty (40) guest rooms in any Adaptive Reuse Inn. All guest rooms shall be located within the existing primary structure(s) being adaptively reused. The number of guest rooms in any Adaptive Reuse Inn is subject to approval by the Planning Board.
- c. There shall be only one (1) Adaptive Reuse Inn or one (1) Inn per lot within the HOS District. No lot within the HOS District shall contain both an Adaptive Reuse Inn and an Inn.
- d. In addition to the Special Permit limitations and requirements set forth herein, all Inns and Adaptive Reuse Inns shall be subject to the applicable area and bulk requirements of the underlying zoning district.
- e. Off-street Parking shall be provided at the rate of one (1) space per guest room for the Inn or Adaptive Reuse Inn use, and as specified in Appendix C "Off-Street Parking and Loading Schedule" for any approved accessory uses or as may be modified or required by the Planning Board.

9. Special Permit Approval Standards.

A. Inn. In determining whether a Special Permit for an Inn within the HOS District may be approved, the Planning Board shall consider the following relevant requirements and factors, in addition to the criteria generally applicable to Special Permits as set forth in Section 473:

1. Whether the proposed development is in keeping with the traditional rural, historic and community character of the area;
2. The effect of any proposed development on the natural environment or natural resources of the Town of Washington. In evaluating this standard,

the Planning Board shall consult the adopted Natural Resources Inventory of the Town of Washington as set forth in Section 221 in addition to any other available resource;

3. Whether the proposed development is within the town's capacity to handle additional demand with regard to considerations including, but not limited to vehicle traffic, emergency services, water and electrical supply, stormwater, septic, sewer and noise/light pollution;
4. Whether the acreage of the lot upon which the Inn is proposed is adequate to accommodate the proposed use, inclusive of, but not limited to, any proposed parking areas, accessory uses and structures, screening, landscaping, stormwater management systems, septic systems, and private wells.
5. Whether the design of structure(s) is in keeping with or enhances the architectural character of the area; and
6. The benefit of environmental or conservation improvements proposed to the site and/or the existing structures.

B. Adaptive Reuse Inn. In determining whether and to what extent a Special Permit for an Adaptive Reuse Inn within the HOS District may be approved, the Planning Board shall consider all the factors for an Inn as set forth in Subsection A above, the criteria generally applicable to Special Permits as set forth in Section 473, and the following requirements and criteria:

1. Number of rooms. The maximum number of guest rooms that can be permitted is forty (40). The actual number of guest rooms permitted in an Adaptive Reuse Inn is subject to approval by the Planning Board on a case-by-case basis taking into account the following factors:
 - i. Whether the adaptively reused structure(s) can reasonably accommodate the total number of guest rooms proposed;
 - ii. The number of existing structure(s) proposed to remain and be incorporated into the design;
 - iii. The percentage of the existing structure(s) to remain;
 - iv. The quality of the overall site improvements, including but not limited to lighting, sustainability, stormwater management, landscaping, and reduction of impervious surfaces;

- v. The sensitivity to neighboring properties considering the location, screening, and buffering;
 - vi. The provision of accessory uses available to the public, if any;
 - vii. The extent of the renovation and rehabilitation of a historic structure, if applicable; and
 - viii. Whether the lot will accommodate and have the capacity for such density without causing significant adverse impacts to traffic, traffic circulation, pedestrian opportunities, noise or light pollution, environmental features, stormwater, water supply, septic capacity or other potential impacts.
2. The adaptive reuse shall utilize the existing primary structure(s) on the lot, either substantially or in their entirety, for the core guest-oriented functions of the Adaptive Reuse Inn, including but not limited to functions such as guest reception and check-in facilities, lobby space, guest bedrooms, Bar, Restaurant or similar public functions. The adaptive reuse structure shall not be used primarily for ancillary support functions such as storage space, offices or other non-guest/non-public functions.
 3. All guest rooms shall be located within the existing primary structure(s) being adaptively reused. New buildings or structures built on the property shall be utilized for accessory uses only.
 4. All proposed rehabilitations, new buildings, or site improvements shall be in accordance with the Design Standards established in Subsection 11 below.
 5. Whether the design of adaptively reused structure(s) and any new structure(s) is in keeping with or enhances the architectural character of the area.
 6. Whether the acreage of the lot upon which the Adaptive Reuse Inn is proposed is adequate to accommodate the proposed use, inclusive of, but not limited to, any proposed parking areas, accessory uses and structures, screening, landscaping, stormwater management systems, septic systems, and private wells.

C. Accessory uses permitted by Subsection 10 below.

10. **Accessory Uses.** The following accessory uses, clearly incidental and secondary to the principal Inn or Adaptive Reuse Inn use, may be permitted by Special Permit issued by the Planning Board after consideration of the site, parking capacity, vehicle trips and potential impacts to the community and nearby properties, and after consideration of the

requirements and factors set forth for Inns and Adaptive Reuse Inns as set forth in Subsection 9 above. The Planning Board, in its judgment, shall have the authority to impose additional limits, conditions or performance standards as may be reasonably necessary, including but not limited to hours of operation, traffic, parking, lighting, outdoor activities, and noise, to mitigate identified issues and assure that the accessory use will not be the main use but will be incidental and secondary to the principal use. Accessory uses shall also comply with the applicable requirements for accessory structures set forth in Section 355 and any applicable requirements of the underlying zoning district. The permitted accessory uses are:

- a. Restaurant, which may be accessible to the general public, as well as room guests.
- b. Bar/Tavern, which may be accessible to the general public, as well as room guests.
- c. Spa and/or Fitness Gym, accessible only to room guests of the Inn or Adaptive Reuse Inn.
- d. Swimming Pools, subject to Section 361 and accessible only to room guests of the Inn or Adaptive Reuse Inn.

11. **Design Standards.** In addition to the requirements of the underlying zoning district, Special Permit or Site Plan Review criteria, all Inns and Adaptive Reuse Inns shall meet the following design standards to enhance compatibility with the scale and character of the town.

- a. General. The architecture of the building(s) should be the most prominent visual feature of the site, with clearly visible public entryways, showcased and highlighted by robust landscaping, which reflect and enhance the rural historic character of the Town of Washington.
 1. Any additions to existing structures shall be located at the rear or side(s) of the existing structure and scaled appropriately so as not to overwhelm or detract from the massing of the original building.
 2. Where a new separate building is proposed to be constructed on the same property as an adaptive reuse structure, the new building shall be set back further from the public roadway than the existing structure.
- b. Site Layout & Landscaping. The site layout shall provide attractive, shaded and safe routes for pedestrian walkways that link surrounding buildings and parking areas. The

incorporation of existing mature trees into the site design is encouraged to maintain shade areas.

1. Limit the visibility of parking and other utilitarian functions—to the extent practical for the site and existing conditions—by locating these functions in the side or rear of the property and screening from view from the public roadway and adjacent properties with the use of existing or proposed vegetation, landscaping and site features. No parking shall be permitted in the front yard area, except as may be permitted by the Planning Board for limited convenience or handicap parking or drop-off areas, or in cases where an adaptive reuse of an existing building is taking place and siting of that building does not allow for parking to the side or rear.
 2. Parking areas shall integrate existing shade trees and/or new tree planting areas to create shade and capture stormwater runoff.
 3. Dumpsters or trash/recycling containers shall be located toward the rear of the site where not readily visible and surrounded in a 4-sided screening enclosure composed of wood and/or landscaping as directed by the Planning Board.
 4. Mechanical equipment, transformers and similar devices shall be screened from view using a combination of fencing and landscaping.
 5. A variety of shrubs and flowers with non-stone mulch shall be provided along the base of the building perimeter, at least three feet in depth from the facade.
 6. Pedestrian walkways and outdoor patio areas shall be accented where possible with a dense planting of a variety of shrubs and flowers.
 7. Where pre-existing native trees on the site cannot be preserved or do not exist, new tree plantings shall be incorporated into the site where possible to provide shade in larger areas of lawn. In the absence of existing street trees along the public road frontage, new street trees are encouraged to be planted approximately fifty (50) feet on center.
 8. Landscaping selections should utilize a variety of species native to the region.
- c. Stormwater. Minimize the amount of impervious surfaces, such as paved parking lots, to the extent practicable to reduce stormwater runoff.

1. Landscaped areas on site are encouraged to also serve as integrated stormwater management areas where practical. These may include recessed parking island “dry wells”, rain gardens, vegetated swales or retention ponds which capture rainwater on the site while appearing to be a part of the landscape.
- d. Facades. For Adaptive Reuse Inns, exterior facade materials used shall reflect or complement the existing facade materials found on the structure being adaptively reused. For Inns, the use of small-scale natural building materials—such as wood clapboards, wood shingles, brick, or natural stone – or materials that are aesthetically reasonable facsimiles of these materials, are required on new exterior facades.
1. With larger structures or longer building facades, the overall building massing may need to be broken up into smaller, discrete parts where possible to reflect the scale and massing of structures typically found in the area or on-site.
 2. There shall be no blank walls or large facade areas without windows facing a public street.
 3. The use of appurtenances on the front facade, such as porches, awnings, balconies, porticos, or port-cochere, to the maximum extent possible, shall be required to give the facade shade, reduce building scale and provide more visual interest.
- e. Lighting. In order to reduce unnecessary light pollution and trespass, all exterior lighting for pedestrian walkways, parking or security shall be full cut-off shielded fixtures and dark sky compliant which do not permit any light to project outward above a horizontal plane from the fixture head.
1. The number of light standards and intensity of lighting are encouraged to be set at minimal performance levels to reduce unnecessary glare, trespass and energy consumption. Lighting levels at the adjacent property boundaries shall be measured at no more than 0.02 footcandles. Where feasible, motion-sensing lights are encouraged for any necessary security lighting. The Planning Board may require a photometric plan to be provided as part of the application.
 2. Lighting standards shall be appropriate to the design of the structure(s) and shall not exceed twelve (12) feet in height.
 3. The color temperature of exterior lighting shall be visually consistent across all fixtures. It is required that warmer color temperature light (i.e., below

4,000 Kelvin) be utilized, and that colder temperature light above 3,000 Kelvin generally be avoided.

- f. All signage shall comply with Section 331 and the requirements of the underlying zoning district.
 - g. All main entrances for staff, guests, and visitors for any use within an HOS Overlay District shall be from New York State Highway Route 44, Route 82 or Route 343. An alternative entrance on a secondary road such as but not limited to College Lane may be approved by the Planning Board in its discretion, for use by delivery vehicles and emergency access or egress only. When permitted, such secondary access points shall have signage posted "For Deliveries Only".
 - h. All other standards and requirements for the underlying zoning district shall also be met including but not limited to protections of wetlands and watercourses pursuant to Section 328, erosion and sedimentation control pursuant to Section 335, preservation of scenic roads pursuant to 344, projecting architectural features pursuant to Section 356 and others from Article III of the Town of Washington Zoning Law. Where the HOS District overlaps with another overlay district pursuant to the Town of Washington Zoning Law, the standards and requirements of the overlaying districts and the underlying district shall apply. If the requirements of any overlaying and underlying district conflict, the more restrictive standard or requirement shall take precedence.
12. **Approval Process.** All applications for uses enabled by this overlay district shall be considered under the processes of Special Use Permits and Site Plan Review.
- a. Site plan review shall also include a review of the architectural compatibility of any proposed new structure(s), demolition, expansion, or alteration with the historic architectural character of the area, including the layout, placement, and proportions of buildings, and their relationships to each other, streets, open space, and landscaping.
 - b. Site plan review shall also include a review of any new or existing water and septic systems.

Section Three. Section 202, Overlay Districts, of the Zoning Code of the Town of Washington is hereby amended as follows:

In addition to the above districts, the following overlay districts are hereby created, to take effect upon Town Board adoption of the overlay maps for each district, pursuant to Sections 312, 314 and 315 of this Local Law.

APO:	Agricultural Protection	AQ:	Aquifer Protection
HOS:	Hospitality		

Section Four. Section 210, Zoning Map Series, of the Zoning Code of the Town of Washington is hereby amended as follows:

The districts listed in Sections 200-202 are bounded as shown on the map series entitled “Zoning Map Series, Town of Washington, Dutchess County, New York” dated [~~December 27, 1989~~] August XX, 2023, which, with all explanatory matter thereon, is made a part of this Local Law. Said Zoning Map Series must include, at a minimum, the districts described in Section 200 of this Local Law, and shall include any mapped floating zones (EP, MH, H, or I) or overlay zones (AQ, [~~or~~] APO, or HOS), as well as the Wetlands and Watercourses Map described in Section 328(3) of this Local Law. Until such time as the Wetlands and Watercourses Map has been adopted by the Town Board, the pre-existing Land Conservation (LC) zone shall be used to protect wetlands. Upon adoption of this new map, the LC zone shall be deemed superseded.

Section Five. Section 317, Industrial/Office Floating District Regulations, of the Zoning Code of the Town of Washington is hereby amended as follows:

Industrial/Office Development Districts (hereinafter “I Districts”), may be established within an area designated as RR-10, RS-10, RL-5, RS-5, and RM-2, by zoning amendment as specified below. Land zoned RH-1, EP, LC, HM and land subject to the APO, [~~and~~] AQ and HOS District Overlay requirements shall not be eligible for designation as an I District.

Section Six. Section 470, Special Permits, of the Zoning Law of the Town of Washington is hereby amended as follows:

The Planning Board or the Zoning Board of Appeals, as specifically authorized by Section 334 and Section 391 of this Local Law, shall issue special permits where required by this Local Law for uses whose special characteristics necessitate consideration of each specific use as an individual case. These uses are identified in the Schedule of District Use Regulations (Appendix A). In addition, the following require special permits from the Planning Board:

1. Certain uses in the APO Overlay Zone (Section 315)
2. Certain Home Occupations (Section 321)
3. Stripping of Topsoil (Section 329)

4. Certain uses in the HOS Overlay Zone (Section 312)

Section Seven. Section 610, Definitions, of the Zoning Code of the Town of Washington is hereby amended to add the following new definitions:

ADAPTIVE REUSE: The process of adapting an existing building through renovation or restoration to function for a new use which it may not have been originally designed for, while retaining its primary features and character. Typically utilized for the purposes of saving existing structures from demolition, historic preservation, or improved sustainability compared to completely new construction.

ADAPTIVE REUSE INN: An establishment providing sleeping rooms rented for overnight accommodations to transient visitors having no more than 40 guest rooms, where such guest rooms are developed exclusively through the rehabilitation, preservation, and adaptive reuse of an existing structure(s). An Adaptive Reuse Inn is separate and distinct from Inn(s) and other lodging uses.

BAR/TAVERN: An establishment primarily designed and licensed to sell alcoholic beverages to patrons for on-site consumption at provided seating areas and where the service of food is only incidental to the consumption of such beverages.

CAMPGROUND: A parcel of land established or maintained for the commercial purposes of short-term outdoor recreational camping by transient users where campsite areas are provided and rented for tents, trailers, recreational vehicles, shelters, cabins, lean-tos or similar accommodations. A Campground is separate and distinct from a Private Camp, as well as Glamping, Inn or other lodging use types.

COMPREHENSIVE PLAN (MASTER PLAN): A document adopted and periodically updated by the Town of Washington containing goals and policies to direct long-term decision making for the orderly growth of the community, including but not limited to land-use decisions such as zoning.

DESIGN STANDARDS: Specific design requirements regarding architectural elements, site planning, parking, building materials, lighting, signs or other considerations which may be required or recommended as part of application approval.

GLAMPING: The use of land rented for the purposes of short-term outdoor camping by transient users where additional amenities and comforts are provided for visitors beyond a normal camping experience, including but not limited to the use of beds, electricity, indoor plumbing, kitchen equipment, and more elaborate temporary shelters such as yurts, sleeping pods or motor homes. Glamping is separate and distinct from a Hotel, Inn or other lodging use types.

HOSPITALITY: The activity or business of providing services and amenities such as overnight lodging accommodations, food, drink, gathering or meeting space for the purposes of attracting and serving visitors and tourists to the area.

INN: An establishment providing sleeping rooms rented for overnight accommodations to transient visitors having no more than 20 guest rooms. Guest rooms for an Inn may be developed through the construction of new square footage. A project that creates guest rooms through the use of existing structure(s) in addition to the construction of new square footage shall be deemed an Inn, not an Adaptive Reuse Inn, and shall be limited to a maximum of 20 guest rooms. An Inn is separate and distinct from Adaptive Reuse Inn(s) and other lodging uses.

LODGING: A room or rooms rented for overnight accommodations to transient visitors, such as a Bed and Breakfast, Inn, Adaptive Reuse Inn, Hotel, Motel, Short-term Rental, Campground or Glamping.

OVERLAY DISTRICT: A special zoning district which is superimposed on top of one or more zoning districts, or parts of districts, to implement modified land use regulations within a defined geographic area. An overlay's requirements may function in addition to the normal provisions of the underlying zoning district(s), or may replace or modify the normal provisions of the underlying zoning district(s), being more or less restrictive.

RESTAURANT: An establishment where food and drink are sold for consumption on the premises at provided seating areas and where the taking of any food or drink off-premises is incidental to the principal use. May include permitted secondary accessory uses such as a bar or tavern.

TRANSIENT: Temporary visitation at a place for a short duration, typically for a period between one or a few days.

Section Eight. Section 610, Definitions, of the Zoning Code of the Town of Washington is hereby amended to revise the following definition:

PRIVATE CAMP: A detached one-family dwelling designed and suited for non-commercial, personal leisure use that is used on a seasonal basis for not more than six (6) months in each year.

Section Nine. Appendix A, Schedule of District Use Regulations, of the Zoning Code of the Town of Washington is hereby amended to add the HOS District to the column entitled "Applicable Overlay or Floating Districts" as follows:

Residential District	Principal Uses Permitted by Right	Accessory Uses Permitted by Right	Special Uses Which May be Allowed by Special Permit and Subject to Site Plan Approval	Applicable Overlay or Floating Districts
RH-1				APO Overlay AQ Overlay <u>HOS Overlay, where mapped</u> EP Floating
RM-2				APO Overlay AQ Overlay <u>HOS Overlay, where mapped</u> MH Floating I Floating
RI-5 and RS-5				APO Overlay AQ Overlay <u>HOS Overlay, where mapped</u> EP Floating MH Floating I Floating

Section Ten. The Index to the Zoning Code of the Town of Washington is hereby amended to include new references to “Hospitality Overlay District” and “Natural Resources Inventory”.

Section Eleven. Appendix D, Zoning Map Series and the Table of Contents, of the Zoning Code of the Town of Washington is hereby amended to add the following:

MAP #6: Hospitality Overlay District (HOS)

Section Twelve. Appendix C, Off-Street Parking and Loading Schedule, of the Zoning Code of the Town of Washington is hereby amended as follows:

Inn and Adaptive Reuse Inn One for Each Guest Room

Section Thirteen. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Fourteen. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of State.