

***VILLAGE OF CROTON-ON-HUDSON  
ZONING CODE UPDATE***

***PHASE 1 REPORT  
CORRECTIVE CODE REVISIONS***

***Prepared for***  
Village of Croton-on-Hudson

***Prepared by***  
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115 Fifth Avenue  
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***Revised  
June 2004***

## ***ACKNOWLEDGEMENTS***

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## ***INTRODUCTION***

Following the adoption of the 2003 Comprehensive Plan, Croton determined that the Zoning Code should be updated to support the goals set out in the Comprehensive Plan and to comply with state laws and modern planning practices. The Croton Comprehensive Plan Committee was appointed to undertake the review with the support of planning consultants Buckhurst Fish & Jacquemart, Inc. (BFJ). The update of the Code was divided into a three-phased study:

- Phase I: “diagnostic” review of the Code, critical corrective updates to bring the Code in line with state laws and modern planning practices, and updates to support goals established in Comprehensive Plan;
- Phase II: Trustee and Planning Board review of proposed changes; SEQR process for the revisions proposed in Phase 1; and
- Phase III: Exploration of more in-depth, policy-oriented revisions to the Code and Code “clean-up.” This phase may be followed by a second SEQR process depending on the outcome of the Phase III review and the nature of the recommendations.

This report represents the completion of Phase I and contains a compilation of the zoning code updates recommended during this phase. The report is comprised of each of the Zoning code articles where changes have been made; all revisions have been highlighted. During Phase I, the Comprehensive Plan Committee met five times with planning consultants BFJ to discuss the scope and content of revisions to be made. Substantive updates include:

- expanding and revising the Planning Board and Board of Appeals articles to comply with state regulations
- delegating architectural review authority to the Planning Board
- setting architectural feature criteria for site plan approval
- establishing a minor site plan approval process for new residential construction and major residential renovations
- developing floor area ratio standards for single-family and two-family residential districts
- assigning all special permit authority to the Board of Trustees (excluding commercial signage and fill/excavation, which stay with the Board of Appeals)
- deleting the O-3 office district, which was not mapped and for which no use regulations had been established.

Additional organization changes have also been proposed to make the Code easier to follow and understand. These changes include consolidating the Multiple Development Use and Waterfront Development District articles into one article entitled “Special Districts”; incorporating the Planning Board article into the Zoning Code chapter; and creating use, area and bulk, and special permit schedules as reference tables at the back of the chapter.

***SUMMARY OF REVISIONS TO CODE AND TABLE OF CONTENTS***

<b><u>Article and Title</u></b>	<b><u>Recommendation</u></b>
I. Title and Purpose	Remains the same
II. Definitions	Three minor amendments, including addition of "Change of Use" definition
III. Establishment of Zoning Districts	Minor correction to classes of districts
IV. District Use Regulations	O-3 district deleted (no use regulations); revision of §§230-9B and 230-14B to reflect new site plan review process
V. Multiple Development Use	MDU and WD use regulations consolidated into one chapter entitled "Special Districts."
VA: Waterfront Development District (WD)	See above.
VI: District Bulk and Parking Regulations	FAR standards established for residential and office districts
VII: Supplementary Regulations	§§230-40H (Diversity of Design) and §230-48 (Dish Antennas) deleted
VIII: Off-Street Parking, Driveways and Loading Facilities	Remains the same
IX: Nonconforming Buildings and Uses	Remains the same
X: Special Permit Uses	Remains the same
XI: Site Plan Approval	Expanded to add minor site plan review for residences and to incorporate architectural feature criteria
XII: becomes Planning Board chapter	Planning Board chapter moved from Chapter 40, expanded and revised to include architectural review authority
XIII: becomes Board of Appeals	Board of Appeals chapter expanded and revised to comply with state regulations
XIV: becomes Administration and Enforcement	Remains the same
XV: becomes Amendments and Interpretation	Remains the same
Table of Zoning Map Amendments	Remains the same

***Additions (to be included at back of Code):***

Use Schedule

Area/Bulk Schedule

Special Permit Schedule

Zoning Map

***Global changes throughout Code:***

- All special permit authority reassigned to Board of Trustees with exception of commercial signage and fill/excavation, which stays with BOA

**ZONING**  
**Chapter 230**

**ARTICLE I**  
**Title and Purpose**

- § 230-1. Title.
- § 230-2. Purpose.

**ARTICLE II**  
**Definitions**

- § 230-3. Word Usage.
- § 230-4. Terms Defined.

**ARTICLE III**  
**Establishment of Zoning Districts**

- § 230-5. Classes of districts.
- § 230-6. Zoning Map.
- § 230-7. District Boundaries.
- § 230-8. Effect of establishment of districts.

**ARTICLE IV**  
**District Use Regulations**

- § 230-9. One-Family Residence RA-40 District.
- § 230-10. One-Family Residence RA-25 District.
- § 230-11. One-Family Residence RA-9 District.
- § 230-12. One-Family Residence RA-5 District.
- § 230-13. Two-Family Residence RB District.
- § 230-14. Multiple Residence RC District.
- § 230-15. Limited Office O-1 *and* O-2 *and* O-3-Districts.
- § 230-16. Central Commercial C-1 District.
- § 230-17. General Commercial C-2 District.
- § 230-18. Light Industrial LI District.
- § 230-19. Waterfront Commercial WC District.
- § 230-20. Park, Recreation and Education PRE District.

**ARTICLE V**  
**~~Multiple Development Use~~**

- ~~§ 230-21. Purpose.~~
- ~~§ 230-22. Eligibility requirements.~~
- ~~§ 230-23. General conditions.~~
- ~~§ 230-24. Permitted uses.~~
- ~~§ 230-25. Site Development Standards.~~
- ~~§ 230-26. Procedures for MDU designation and approval of site development plans.~~
- ~~§ 230-27. Lapse of approval of site development plan.~~

- ~~§ 230-28. Performance guaranty.~~
- ~~§ 230-29. Phasing of development.~~
- ~~§ 230-30. Amendment of site development plan.~~
- ~~§ 230-31. Revocation of MDU designation.~~

***ARTICLE VA***  
***Waterfront Development (WD) District***

- ~~§ 230-31.1. Purpose.~~
- ~~§ 230-31.2. Eligibility.~~
- ~~§ 230-31.3. General conditions.~~
- ~~§ 230-31.4. Permitted uses.~~
- ~~§ 230-31.5. Accessory uses.~~
- ~~§ 230-31.6. (Reserved)~~
- ~~§ 230-31.7. Enclosure.~~
- ~~§ 230-31.8. Landscaping.~~
- ~~§ 230-31.9. Bulk, height and parking requirements.~~
- ~~§ 230-31.10. Public access.~~
- ~~§ 230-31.11. Procedures for district designation and site development plan approval.~~

***ARTICLE V***  
***Special Districts***

- § 230-21. Multiple Development Use (MDU) District.
- § 230-22. Waterfront Development (WD) District.

***ARTICLE VI***  
***District Bulk and Parking Regulations***

- § 230-32. Adoption of standards.
- § 230-33. One-Family RA-40, RA-25, RA-9 and RA-5 Districts.
- § 230-34. Two-Family RB Districts and Multifamily Residence RC Districts.
- § 230-35. Limited Office O-1, Central Commercial C-1 and General Commercial C-2 Districts.
- § 230-36. Limited Office O-2 and ~~O-3~~ Districts.
- § 230-37. Light Industrial LI District.
- § 230-38. Waterfront Commercial WC District.
- § 230-39. Park, Recreation and Education PRE District.

***ARTICLE VII***  
***Supplementary Regulations.***

- § 230-40. Supplementary regulations applicable to residence districts.
- § 230-41. Accessory apartments.
- § 230-42. Supplementary regulations for the Multiple Residence RC District.
- § 230-42.1. Mixed Occupancy.
- § 230-43. Nonresidential buildings.
- § 230-44. Signs.
- § 230-45. Municipal buildings, structures and uses.
- § 230-46. Amusement games and devices.

- § 230-47. Performance standards.
- § 230-48. Dish antennas.

**ARTICLE VIII**  
***Off-Street Parking, Driveways and Loading Facilities***

- § 230-49. Permitted accessory parking.
- § 230-50. Permitted accessory loading berths.
- § 230-51. Required off-street parking spaces.
- § 230-52. Supplementary regulations for parking and loading facilities.

**ARTICLE IX**  
***Nonconforming Buildings and Uses***

- § 230-53. Regulation and control.
- § 230-54. Interpretation.

**ARTICLE X**  
***Special Permit Uses***

- § 230-55. When required.
- § 230-56. Renewal.
- § 230-57. Application.
- § 230-58. Review of application.
- § 230-59. Report from Planning Board.
- § 230-60. Public hearing; decision.
- § 230-61. Referral to county; notice of public hearing.
- § 230-62. Conditions; notice of decision.
- § 230-63. Appeals and waivers.
- § 230-64. Performance guaranty.
- § 230-65. Final site development plans.

**ARTICLE XI**  
***Site Plan Approval with revisions***

- § 230-66. General procedure.
- § 230-67. *Uses and Actions Subject to Site Plan Review***
- § 230-68. Presubmission.
- § 230-69. Required submissions.
- § 230-70. Review by Planning Board.
- § 230-71. Variations or waivers.
- § 230-72. Maintenance of on-site improvements.
- § 230-73. Parks and playground sites.
- § 230-74. Plan amendments for dish antennas.

**ARTICLE XII**  
*Planning Board – moved from Chapter 40, with revisions*

- § 230-75.     *Composition, terms, compensation, vacancies*
- § 230-76.     *Officers, counsel, staff*
- § 230-77.     *Administration and Procedure*
- § 230-78.     *Powers and Duties*

**ARTICLE ~~XII~~ XIII**  
*Board of Appeals*

- § 230-79.     *Definitions.*
- § 230-80.     *Creation and composition.*
- § 230-81.     *Powers and duties.*
- § 230-82.     *Filing and Appealing Administrative Decisions.*
- § 230-83.     *Board of Appeals Procedures*

**ARTICLE ~~XIII~~ XIV**  
*Administration and Enforcement*

- § 230-~~77~~-84.    Building permits.
- § 230-~~78~~ 85.    Certificate of occupancy.
- § 230-~~79~~ 86.    Duties of Village Engineer.
- § 230-~~80~~ 87.    Enforcement.
- § 230-~~81~~ 88.    Penalties for offenses.

**ARTICLE ~~XIV~~-XV**  
*Amendments and Interpretation*

- § 230-~~82~~ 89.    Amendment procedure.
- § 230-~~83~~-90.    Interpretation of provisions.
- § 230-~~84~~ 91.    Greenway Compact Plan.

## **ARTICLE II: DEFINITIONS**

*(note: changes entail adding definition of "change of use" and revising floor area ratio, floor area, habitable, and height definitions)*

### **§ 230-3. Word usage.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings herein indicated. Words used in the present tense include the future, the singular number includes the plural and the plural the singular, the word "person" includes a corporation as well as an individual, and the word "lot" includes the word "plot." The term "occupied" or "used" as applied to any building shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used."

### **§ 230-4. Terms defined.**

As used in this chapter, the following terms shall have the meanings indicated:

**ACCESSORY** – A building or use clearly incidental or subordinate to and customarily in connection with the principal building or use on the same lot.

**ACCESSORY APARTMENT** – A dwelling unit in a permitted one-family residence which is subordinate to the principal one-family dwelling unit in terms of size, location and appearance and provides complete housekeeping facilities for one family, including independent cooking, bathroom and sleeping facilities, with physically separate access from any other dwelling unit. [Added 10-18-1982 by L.L. No. 8-1982]

**AMUSEMENT DEVICE** – Any coin-controlled pinball and video amusement game or device. [Added 3-8-1982 by L.L. No. 3-1982]

**BASEMENT** – A story in a building, the structural ceiling level of which is four feet or more above the average level of finished grade where such grade abuts that exterior wall of such building which fronts on any street and the floor level of which is below finished grade at any point on the periphery of the building.

**BED-AND-BREAKFAST ESTABLISHMENT** – A residential dwelling that makes available a room or rooms for overnight accommodation to transient paying guests with or without inclusion of one daily morning meal per paying guest as part of the accommodations provided. [Added 1-21-1985 by L.L. No. 1-1985]

**BILLBOARDS** – The type of sign commonly known as a "billboard," which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot or elsewhere than on the same lot where such sign is displayed. [Amended 2-16-1999 by L.L. No. 4-1999]

**BUILDING** – Any combination of materials forming any construction. The term "building" shall include the term "structure" as well as the following:

- A. Signs.
- B. Fences over six feet in height and more than 25% solid. [Amended 9-12-1994 by L.L. No. 7-1994]
- C. Walls, other than retaining walls projecting above the ground not more than three feet at the higher ground level and not more than six and one-half (6 ½) feet at the lower ground level. [Amended 3-17-1997 by L.L. No. 1-1997]

- D. Radio and television antennas, except for such antennas installed on the roof of a "building" and extending not more than 15 feet above the highest level of the roof of such "building."
- E. Pergolas, porches, outdoor bins and other similar structures.
- F. Swimming pools either contemplated by § 230-9A(6) or conforming to § 230-9A(10)©. [Amended 5-7-1990 by L.L. No. 2-1990]
- G. Fallout shelters.

CELLAR – Any space in a building, the structural ceiling level of which is less than four feet above the average finished grade where such grade abuts that exterior wall of such building which fronts on any street.

**CHANGE OF USE – Any use that substantially differs from the previous use of a building or land.**

COURT, INNER – An open space enclosed on all sides by exterior walls of a building.

COURT, OUTER – An open space enclosed on three sides by exterior walls of a building.

COURT, DEPTH OF OUTER – The linear average dimension measured from the unenclosed side of the court to the farthest wall thereof.

COURT, WIDTH OF OUTER – The linear dimension of the unenclosed side of the court.

CURB LEVEL – The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line.

DAY-CARE CENTER – A facility, by whatever name known, which provides custody, care, training or babysitting for three or more children not related to the owner or operator. The term includes but is not limited to facilities commonly known as "day-care centers," "family day-care centers," "day nurseries," "nursery schools," "preschools" or "babysitting facilities." [Added 1-21-1985 by L.L. No. 1-1985]

DISH ANTENNA (SATELLITE RECEIVING ANTENNA) – Any parabolic or spherical dish-type antenna, the purpose of which is to receive, but not transmit, microwave or other electronic signals from satellites or other sources for television or radio reception, data transmission, teleconferencing or other types of telecommunication. [Added 12-16-1985 by L.L. No. 11-1985]

DWELLING, ATTACHED – A one-family dwelling having one or two side-party walls constructed on common interior lot lines, situated upon a separate lot, and having private entrances, each contiguous dwelling shall have an undivided ½ interest in each party wall.

DWELLING, MULTIPLE – A building or portion thereof containing three or more dwelling units.

DWELLING, ONE-FAMILY – A detached building containing one dwelling unit only, or one primary dwelling unit and one accessory apartment. [Amended 10-18-1982 by L.L. No. 8-1982]

DWELLING, TWO-FAMILY – A detached building containing two dwelling units only.

DWELLING UNIT – A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space, other than vestibules, entrance or other hallways or

porches, or cooking or sanitary facilities in common with any other "dwelling unit." A boarding or rooming house, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing or other similar home or other similar structure shall not be deemed to constitute a "dwelling unit."

FAMILY – One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. More than five persons, exclusive of domestic servants, not related by blood, marriage or adoption shall not be considered to constitute one "family."

FLOOR AREA – The sum of the gross horizontal areas of the several floors of the building or buildings on a lot measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings, excluding cellar and basement areas used only for storage or for the operation and maintenance of the building.

FLOOR AREA, HABITABLE – All spaces within the exterior walls of a dwelling unit exclusive of garages, cellars, heater rooms, unheated porches and breezeways, but shall include all spaces not otherwise excluded, such as **habitable** basements ~~meeting Building Code requirements~~, principal rooms, utility rooms, bathrooms and all closets and hallways opening directly into and appurtenant to any rooms within the dwelling unit, and all attic space having a clear height of six feet from finished floor level to pitch of roof rafter and a clear height of seven feet six inches from finished floor level to ceiling level over 50% of the area of such attic space. [Amended 1-21-1985 by L.L. No. 1-1985EN]

FLOOR AREA RATIO – The floor area, in square feet, of all buildings on a lot divided by the area of such lot in square feet. **For purposes of calculating residential floor area ratio, floor area shall mean habitable floor area.**

FRONTAGE – In connection with the issuance of a building permit, a minimum of 20 feet abutting directly on an approved street or highway and suitable for ingress and egress of motor vehicles including police cars, fire apparatus, ambulances or emergency vehicles.

HEIGHT:

- A. For buildings the front wall of which is within five feet of the street, the vertical distance in feet and in stories measured from the curb level to the highest level of the roof surface of roofs, the slope of which is not more than one inch vertical to one foot horizontal, or the mean point between the eaves and the highest point of the roof if the roof is of any other type.
- B. For buildings located in their entirety more than five feet from the street line, the "height" in feet and in stories shall be established by the Village Engineer in such a way that no building shall be prevented from attaining at least at one point the maximum "height" permitted in the district in which such building is proposed to be erected, such "height" to be measured above the elevation of the finished grade abutting such building at that point.
- C. For one- or two-family dwellings, the vertical distance from the average level of the finished grade along the wall or walls of the building facing the street to the highest level of the roof surface of roofs, the slope of which is not more than one inch vertical to one foot horizontal, or the mean point between the eaves and the highest point of the roof if the roof is of any other type. **For purposes of this definition, where the finished ground surface is made by filling, the level of such finished grade shall not be deemed to be more than four feet above the existing grade, as is consistent with the**

*regulations set out in Chapter 120, Excavation, Filling, Topsoil, of the Municipal Code.*

LOT – Any parcel of land, not necessarily coincident with a lot or lots shown on a map of record, which is occupied or which is to be occupied by a building and its accessory buildings, if any, or by a group of buildings having any land in common and the buildings accessory thereto, if any, together with the required open spaces appurtenant to such building or group of buildings.

LOT AREA – The area of a lot measured on the basis of the horizontal distance between lot lines or between a lot line and a street line or between street lines.

LOT, CORNER – A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135°. A lot abutting a curved street shall be deemed a “corner lot” if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135°.

LOT DEPTH – The minimum distance from the street line of a lot to the rear lot line of such lot.

LOT LINE – Any boundary of a lot other than a street line.

LOT LINE, REAR – The lot line generally opposite to the street line.

LOT WIDTH – The average distance between side lot lines measured along two lines parallel to a line connecting the end points of the front lot line and drawn through those two points of the principal building closest to and farthest from the street.

MAIN FLOOR – The largest area found by the projection of a horizontal plane through the habitable floor area which is enclosed by the exterior walls of the building. [Amended 1-21-1985 by L.L. No. 1-1985]

MANUFACTURING – Any process whereby the nature, size or shape of articles or raw materials is changed or where articles are assembled or packaged in quantity.

MIXED OCCUPANCY – A building which has nonresidential use of the street level and residential use of another level or levels. [Added 7-7-1993 by L.L. No. 4-1993]

NONCONFORMING BUILDING OR USE – A building or use lawfully existing at the effective date of this chapter or any amendment thereto which does not conform to the regulations prescribed for the district in which it is situated. [Amended 5-7-1990 by L.L. No. 2-1990]

OPEN SPACE – Any space or area characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would enhance the conservation of natural or scenic resources. [Added 9-6-1988 by L.L. No. 6-1988]

- A. PASSIVE OPEN SPACE – Space or area left permanently open and undeveloped, save for foot trails or paths. [Added 9-6-1988 by L.L. No. 6-1988]
- B. ACTIVE OPEN SPACE – Space or area which has been set aside and developed for activities, such as playing fields, pools, swimming ponds, tennis courts and skating rinks. [Added 9-6-1988 by L.L. No. 6-1988]
- C. OPEN SPACE, USABLE – An unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind, of which not more than 25% is roofed for shelter purposes only, the minimum dimension

of which is 40 feet, and which is available and accessible to all occupants of the building or buildings on said lot for purposes of active or passive outdoor recreation. Accessory building roof space may be substituted for ground space, provided that such space is available and accessible to all said occupants by means of access other than stairs.

RESTAURANT – A business establishment engaged in preparing and serving food and beverages for consumption on the premises, which offers a full food menu and which provides table or counter service for patrons. An establishment shall be classified as a “restaurant” only if more than 50% of its revenues are derived from the service of food, as opposed to the service of alcoholic beverages, the charging of admission fees or any other source of revenue. Excluded from the definition of “restaurant” are business establishments which offer curbside service, drive-through window service or any other type of drive-in or drive-through service. [Added 1-23-1995 by L.L. No. 3-1995]

RETAIL STORES – Includes but is not limited to stores pertaining to, connected with or engaged in the sale of commodities in small quantities directly to the general public or ultimate consumer, such as but not limited to beverages, whether alcoholic or nonalcoholic; household maintenance goods; soaps and toiletries; medicines; linen; wearing apparel; household appliances; furniture and furnishings; electric and electronic goods, including radio and television sets and sound and/or light recording and/or reproducing equipment and apparatus; toys; stationery goods; hardware goods; paints; craftsmen’s supplies; notions; and novelty goods.

SIGN [Amended 5-7-1990 by L.L. No. 2-1990; 3-19-2001 by L.L. No. 3-2001] – Any structure or part thereof, or any device attached thereto or painted thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, pennant, insignia, trademark, device or other representation used as or which is in the nature of an advertisement, announcement, designation, display, attraction or directive not required by law of any person, firm, group, organization, commodity, service, profession or enterprise, when placed in such manner that it provides visual communication to the general public out-of-doors, but not including:

- A. Signs maintained or required to be maintained by law or governmental order.
- B. The flag or insignia of any government or governmental agency.
- C. The flag of any civic, political, charitable, religious, fraternal or similar organization, which is hung on a flagpole or mast.
- D. Religious or other seasonal holiday decorations, which do not contain commercial lettering, wording, designs, symbols or other devices.

SIGN AREA [Amended 3-19-2001 by L.L. No. 3-2001] – Includes all faces of a sign measured as follows:

- A. When a sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included. The signage supports which affix the sign to the ground or to a structure shall not be included in the sign area, unless such supports are evidently designed to be part of the sign as defined herein. Where a sign consists of several individual faces, the sign area shall be the aggregate area of all such faces which can be observed from any one point.
- B. When a sign consists only of letters, symbols, designs or figures engraved, painted, projected or in any manner affixed on a wall, the “area” of such sign shall be deemed to be that of the smallest single basic geometric shape (e.g. square, rectangle, triangle or circle) which encompasses all the letters, symbols designs or figures.

SIGN, FREESTANDING – A sign which does not depend upon a building for its main support. [Amended 3-19-2001 by L.L. No. 3-2001]

SIGN, PORTABLE – Any sign not permanently attached to the ground or other permanent structure, including but not limited to signs designed to be transported on wheels or by other means, blimps, or other similar vessels such as large balloons. [Amended 3-19-2001 by L.L. No. 3-2001]

STORY – That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one finished floor and the level of the next higher finished floor or, if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of roof beams.

STORY, HALF – Any space partially within the roof framing where the clear height of not more than 50% of such space between the top of the floor beams and the structural ceiling level is seven feet six inches or more.

STREET – A street shown of the Official Map of the Village of Croton-on-Hudson and improved to the satisfaction of the Planning Board.

STREET LINE – The dividing line between a lot and a street.

STRUCTURAL ALTERATION – Any change in the supporting members of a building.

TOWNHOUSE – A one-family dwelling having one or two side-party walls and having private entrances in a single building on land in common ownership.

TRAILER – Any vehicle mounted on wheels, movable either by its own power or by being drawn by another vehicle and equipped to be used for living or sleeping quarters or so as to permit cooking. The term “trailer” shall include such vehicles if mounted on temporary or permanent foundations with the wheels removed. The term “trailer” shall include mobile homes, motor homes, travel trailers, campers and other similar vehicles. [Amended 5-7-1990 by L.L. No. 2-1990]

USE, ACCESSORY – A use customarily incidental and subordinate to the main use on a lot, whether such “accessory use” is conducted in a principal or accessory building.

YARD, FRONT – An unoccupied ground area fully open to the sky between the street line and line drawn parallel thereto.

YARD, REAR – An unoccupied ground area fully open to the sky between the rear lot line and a line drawn parallel thereto. [Amended 5-7-1990 by L.L. No. 2-1990]

YARD, SIDE – An unoccupied ground area fully open to the sky between any property line other than a street or rear lot line and a line drawn parallel thereto and between the front and rear yards.

**ARTICLE III: Establishment of Zoning Districts**

**§ 230-5. Classes of districts.**

C. [Amended 5-7-1990 by L.L. No. 2-1990; 4-22-1991 by L.L. No. 2-1991] The Village of Croton-on-Hudson recognizes the following zoning districts:

District Title	Symbol	Chapter Section
One-Family Residence	RA-40	§ 230-9
One-Family Residence	RA-25	§ 230-10
One-Family Residence	RA-9	§ 230-11
One-Family Residence	RA-5	§ 230-12
Two-Family Residence	RB	§ 230-13
Multiple Residence	RC	§ 230-14
Limited Office	O-1	§ 230-15
Limited Office	O-2	§ 230-15
<del>Limited Office</del>	<del>O-3</del>	<del>§ 230-15</del>
Central Commercial	C-1	§ 230-16
General Commercial	C-2	§ 230-17
Light Industrial	LI	§ 230-18
Waterfront Commercial	WC	§ 230-19
Park, Recreation and Education	PRE	§ 230-20
Multiple Development Use	MDU	§ 230-21
<b><i>Waterfront Development</i></b>	<b><i>WD</i></b>	<b><i>§ 230-22</i></b>

D. Each such district may be designated on the Zoning Map referred to in § 230-6, in the Bulk and Parking Schedule in Article VI and elsewhere in the text of this chapter by its symbol only.

**§ 230-6. Zoning Map.**

The boundaries of said districts are hereby established as shown on the 1978 Zoning Map, Village of Croton-on-Hudson, which accompanies and which, with all explanatory matter thereon, is hereby adopted and made a part of this chapter. Said map, indicating the latest amendments, shall be kept up-to-date in the office of the Village Engineer for the use and benefit of the public.<sup>1</sup>

**§ 230-7. District boundaries.**

- E. In determining the boundaries of districts shown on the map, the following rules shall apply:
- (1) Unless otherwise shown, the district boundaries shall be construed to coincide with the center lines of streets, alleys, parkways, waterways and main track or tracks of railroads.
  - (2) Where such boundaries are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.
  - (3) Unless otherwise shown, such boundaries running parallel to streets shall be construed to be 100 feet back therefrom.
  - (4) In all cases where a lot in one ownership is divided by a district boundary and more than 50% of the area of such lot lies in the less restricted district, the regulations

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<sup>1</sup> Editor's Note: A copy of the Zoning Map is included in a pocket at the back of this volume. In addition, a Table of Zoning Map Amendments is included at the end of this chapter.

- prescribed by this chapter for the less restricted district shall apply to such portion of the more restricted district. For the purposes of this section, the more restricted district shall be deemed that district which is subject to regulations which either prohibit the particular uses permitted in the district covering the remaining portion of said lot or which regulations require higher standards with respect to setback, coverage, yards, screening, landscaping and similar requirements.
- (5) In all cases where a district boundary line is located not farther than 15 feet away from a lot line of record, such boundary shall be construed to coincide with such lot line.
  - (6) Any boundary shown extended into the Hudson or Croton Rivers shall be deemed to extend to the boundary of the village, unless otherwise indicated.
- F. In all other cases, where dimensions are not shown on the Zoning Map, the location of boundaries shall be determined by the use of the scale appearing on such map.<sup>2</sup>

***§ 230-8. Effect of establishment of districts.***

Following the effective date of this chapter:

- A. No building shall be erected, moved, altered, rebuilt or enlarged nor shall any land or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements and/or restrictions specified in this chapter for the district in which such building or land is located.
- B. No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building or use on the same or any other lot.
- C. No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith and the remaining lot comply with all requirements prescribed by this chapter for the district in which said lot is located. No permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all the provisions of this chapter.
- D. Nothing contained in this chapter shall require any change in the plans, construction or designated use of a building complying with existing law, a permit for which shall have been duly issued and the construction of which shall have been started on or before the date of passage of this chapter and the ground-story framework of which, including the second tier of beams, shall have been completed within six months of the date of the permit and which entire building shall have been completed in accordance with such plans as have been filed within one year from the date of passage of this chapter.

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<sup>2</sup> Editor's Note: See also § 230-75A(2) of this chapter.

**ARTICLE IV: DISTRICT USE REGULATIONS<sup>3</sup>**  
*(note: wording changes to §§230-9B, 230-14B, and 230-15)*

**§ 230-9. One-Family Residence RA-40 District.**

- A. In a One-Family Residence RA-40 District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following; and all uses and buildings shall conform to the district bulk and parking regulations in Article VI and the following regulations, whichever are more restrictive:
- (1) The raising of field and garden crops, vineyard and orchard farming, the maintenance of nurseries and the seasonal sale of the products thereof, provided that no building is erected and signs conform with § 230-44P(1)(e). [Amended 3-19-2001 by L.L. No. 3-2001]
  - (2) One-family detached dwellings not to exceed one such dwelling on each lot and subject to the district bulk and parking regulations in Article VI.
  - (3) Municipal buildings, structures and uses, subject to § 230-45.
  - (4) [Amended 1-23-1995 by L.L. No. 4-1995; 3-19-2001 by L.L. No. 3-2001] Places of worship, Sunday schools and parochial schools, including parish houses, and philanthropic and eleemosynary institutions, hospitals and sanitariums for general medical care, nursing and convalescent homes and homes for the aged, libraries, arboretums, all subject to a special permit by the Village Board of Trustees and the following requirements. A special permit shall be required for the expansion, extension, reconstruction, rebuilding or relocation of any use or building described in this Subsection A, notwithstanding that it represents an expansion, extension, reconstruction, rebuilding or relocation of a use or building legally in existence on January 1, 2001.
    - (a) Any school permitted under this subsection shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such thereunder.
    - (b) Any school permitted under this subsection shall occupy a lot with an area of not less than three acres.
    - (c) Any philanthropic or eleemosynary institution, hospital, sanitarium, nursing or convalescent home or home for the aged permitted under this subsection shall occupy a lot which shall have an area of not less than five acres and shall be housed only in a building which existed on July 28, 1931, with a total floor area of 3,000 square feet or more.
    - (d) No building or part thereof shall be erected nearer than 100 feet to any street or property line.
    - (e) The sum of all areas covered by all principal and accessory buildings shall not exceed 20% of the area of the lot.
    - (f) Courts shall conform to the requirements of § 230-43B hereof.
  - (5) Railroad and public utility rights-of-way and structures necessary to serve areas within the village; subject, however, to a special permit by the Village Board of Trustees and to such conditions, including appropriate lot size, yard and other bulk regulations, as said Board may impose in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed. No high-voltage transmission line or tower permitted under this subsection shall exceed 100 feet in height or be located less than 75 feet from any residential property line.

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<sup>3</sup> Editor's Note: See also Art. VI, District Bulk and Parking Regulations; Art. VII, Supplementary Regulations; and Art. VIII, Off-Street Parking, Driveways and Loading Facilities.

- (6) Annual membership clubs, on a lot having an area of not less than five acres, subject to a special permit by the Village Board of Trustees, and provided that any such club is incorporated pursuant to the provisions of the Not-For-Profit Corporation Law or the Benevolent Orders Laws of the State of New York, catering exclusively to members and their guests; and private playgrounds, swimming pools, tennis courts and recreation buildings not conducted as business enterprises, provided that:
- (a) The following shall be prohibited:
    - [1] Outdoor entertainment, live or mechanical.
    - [2] The use of outdoor public address systems for any purpose.
    - [3] Exterior lighting, other than the essential for the safety of the users of the premises.
  - (b) No building or outdoor recreational facility erected under the provisions of this subsection shall be erected nearer than 100 feet to any street or property line.
- (7) Subject to a special permit by the Village Board of Trustees, the operation, maintenance and preservation by a membership corporation or association not operated for profit of historic sites, buildings, restorations and landmarks, the maintenance and preservation of historic remains and objects and the exhibition and display of such sites, buildings, restorations, landmarks, remains and other objects to the public, whether indoors or outdoors and whether or not an admission fee is charged, including uses and buildings incidental to or necessary for such operations and also including, as incidental to the foregoing uses, the retail sale of gifts, souvenirs and other appropriate goods and the sale of refreshments, meals and lodging and motel or hotel accommodations. Such special permit shall be issued upon a finding by the Village Board of Trustees that the proposed use is an actual and bona fide historic restoration.
- (8) Funeral homes, subject to a special permit by the Village Board of Trustees, in any building in existence on July 28, 1931, with a total floor area in excess of 3,000 square feet situated on a lot of not less than one acre, provided that:
- (a) There shall be adequate off-street parking space, and in no event less than set forth in § 230-51A.
  - (b) There shall be no signs other than those permitted in § 230-44P(1)(e). [Amended 3-19-2001 by L.L. No. 3-2001]
  - (c) Visiting hours shall be prohibited after 10:00 p.m.
  - (d) The principal building shall be located 40 feet or more from any lot or street line.
  - (e) There shall be no indoor or outdoor loudspeaker system, floodlights or other outdoor lighting except as approved by the Village Board of Trustees.
- (9) (Reserved)<sup>4</sup>
- (10) Accessory Uses, limited to the following:
- (a) [Amended 1-21-1985 by L.L. No. 1-1985] Customary home occupations (which term shall exclude day-care centers and bed-and-breakfast establishments), provided that:
    - [1] There shall be no signs other than those permitted in § 230-44P(1)(e). [Amended 3-19-2001 by L.L. No. 3-2001]
    - [2] Such occupation is incidental to the residential use of the premises and is carried on by a resident thereon with no nonresident assistants; provided, however, that when the person conducting such home occupation has been legally declared blind or shall otherwise be physically handicapped to the point of being incapable of performing more than 20% of his usual regular work, he may, upon receiving a special permit from the Village Board of Trustees, engage the services of one assistant.
    - [3] Such occupation is carried on in an area not exceeding 30% of the total floor area of the main building.

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<sup>4</sup> Editor's Note: Former Subsection A(9) was repealed 1-23-1995 by L.L. No. 3-1995.

- (b) Professional office or studio of an architect, artist, dentist, engineer, lawyer, musician, teacher, physician, public accountant, chiropractor, city planner, insurance broker, optometrist, osteopath, real estate broker or ladies' hairdresser, but not including veterinarians, provided that:
  - [1] Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant.
  - [2] Such office or studio shall occupy not more than one floor of the main building.
  - [3] Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.
- (c) Garden house, toolhouse, playhouse, boathouse, greenhouse or swimming pool incidental to the residential use of the premises and not operated for gain, provided that swimming pools with an area of 150 square feet or more and a depth in excess of three feet shall be subject to the following requirements:
  - [1] The edge of the pool shall be kept a distance of not less than 10 feet from all property lines.
  - [2] If located within 30 feet of any property line, such pool shall be screened from the view of abutting properties.
- (d) Private garage, provided that only one space may be leased to a person not resident on the premises.
- (e) Keeping not more than one boarder or roomer.
- (f) Keeping domestic animals, except pigs, for individual domestic purposes or as pets, provided that not more than three dogs over six months old and not more than 25 fowl shall be permitted, and no animals, except dogs or cats, or fowl shall be penned or housed within 50 feet of any lot line. EN
- (g) [Added 1-21-1985 by L.L. No. 1-1985] Day-care centers on a lot having a minimum area of 25,000 square feet, subject to the issuance of a special permit by the Planning Board and to the following conditions and limitations:
  - [1] There shall be no more than one day-care center per lot.
  - [2] The limits of any outdoor play or recreation area shall not extend closer than 20 feet to any residential property line.
  - [3] No recreational structure or equipment shall exceed 10 feet in height.
  - [4] The habitable floor area of the residence building used for day care shall not exceed 33.3% of the total habitable floor area of the building in which it is contained.
  - [5] The maximum number of children using the day-care center at any time shall not exceed 15.
  - [6] The hours of operation shall be limited to no earlier than 7:00 a.m. and to no later than 7:00 p.m.
  - [7] The operator of the day-care center shall be the owner and a full-time resident of the building, and there shall be no more than two nonresident employees.
  - [8] The day-care center shall comply with all applicable conditions and limitations of the New York State Department of Social Services relating to the operation and licensing of day-care centers and shall have all required licenses and certificates.
  - [9] The single-family character of the residence structure shall not be altered to accommodate the proposed use or the requirements of any other agency, code or regulation, and the applicant for a special permit shall submit to the Planning Board floor plans and elevations establishing compliance with this Subsection A(10)(g).
  - [10] Ten copies of an application for a special permit shall be submitted to the Planning Board, accompanied by a fee in an amount set from time to time by

resolution of the Board of Trustees.<sup>5</sup> The special permit may be issued only after public hearing and upon determination that the proposed use is in compliance with the conditions set in this Subsection A(10)(g). The initial permit shall be valid for a period not to exceed two years, and a permit may be revoked at any time by the Planning Board upon noncompliance with the conditions set forth in this Subsection A(10)(g) or in the permit itself. The permit shall not be effective until the day-care center has been licensed by the New York State Department of Social Services. A renewal permit may be issued without fee for a period not to exceed five years. [Amended 5-7-1990 by L.L. No. 2-1990]

- [11] Any new owner of the building in which a day-care center is operated must apply to the Planning Board for a special permit to continue a day-care center use.
- (h) [Added 1-21-1985 by L.L. No. 1-1985] Bed-and-breakfast establishments, subject to the issuance of a special permit by the Planning Board and to the following conditions and limitations:
- [1] An application for special permit shall be accompanied by a fee in an amount set from time to time by resolution of the Board of Trustees.<sup>6</sup> The special permit may be issued only after public hearing and upon determination that the proposed use is in compliance with the conditions and limitations set forth in this Subsection A(10)(h). A permit shall be valid for a period not to exceed two years and may be revoked at any time by the Planning Board upon noncompliance with the conditions set forth in this Subsection A(10)(h) or the permit itself. A renewal permit may be issued without fee for a period not to exceed two years. [Amended 5-7-1990 by L.L. No. 2-1990]
  - [2] The applicant for a special permit shall submit to the Planning Board 10 copies of the application and such plans of the structure and layout of the residence as the Planning Board deems necessary to assure that the bed-and-breakfast usage complies with this Subsection A(10)(h). [Amended 5-7-1990 by L.L. No. 2-1990]
  - [3] The applicant shall obtain and submit to the Planning Board statements on the adequacy of the premises for purposes of safety, fire protection and structural soundness from the Village Fire Department and the Village Engineer. Such statements shall include recommendations, if any, for improvements or changes deemed advisable, which will be considered by the Planning Board in determining the merits of the application.
  - [4] The applicant shall be the owner of the premises and a full-time resident of the premises.
  - [5] Additions to the residence which increase the building perimeter and/or height or in any other way alter the external appearance of the residence shall not be permitted, and no special permit shall be granted for any residence for which a variance has been granted during the five-year period preceding the submission of the application for a special permit.
  - [6] The bedrooms and bathroom of the dwelling used for paying-guest accommodations shall not exceed 33.3% of the existing habitable floor area of the dwelling, and no more than two rooms shall be used as bedrooms for paying guests.
  - [7] No more than six guests per night shall be permitted in any bed-and-breakfast establishment, and the Planning Board may fix a lower maximum in the permit. No paying guest shall stay on any one visit for more than 15 days.

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<sup>5</sup> Editor's Note: The current fee resolution is on file in the office of the Village Clerk.

<sup>6</sup> Editor's Note: The current fee resolution is on file in the office of the Village Clerk.

- [8] The residence in which a bed-and-breakfast establishment is operated shall have a minimum of three off-street parking spaces, and no permit shall be issued if a variance for off-street parking has been granted within five years of the date of the application for special permit.
- [9] The residence in which a bed-and-breakfast establishment is operated shall not contain an accessory apartment.
- [10] The only meals to be furnished shall be one daily morning meal per paying guest.
- [11] [Amended 8-5-1996 by L.L. No. 2-1996; 3-19-2001 by L.L. No. 3-2001] One sign designating a bed-and-breakfast establishment shall be permitted, subject to the following conditions:
  - [a] There shall be no signs other than those permitted in § 230-44P(1)(e).
- [12] Any new owner of the residence in which a bed-and-breakfast establishment is operated must apply to the Planning Board for a special permit to continue a bed-and-breakfast use.
- [13] No two bed-and-breakfast establishments shall be permitted within 1,000 feet of each other. [Added 8-5-1996 by L.L. No. 2-1996]
- [14] The impact of a bed-and-breakfast establishment on the surrounding neighbors shall be considered as a condition of the issuance of a special permit.<sup>7</sup> [Added 8-5-1996 by L.L. No. 2-1996]

B. Prior to the issuance of a building permit or change of use or access permit, the site development plan for any use permitted in this district ~~other than one-family residences~~ shall be subject to approval by the Planning Board in accordance with the provisions of Article XI hereof.

**§ 230-10. One-Family Residence RA-25 District.**

In a One-Family Residence RA-25 District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

A. Any use permitted in One-Family Residence RA-40 Districts and subject to all the regulations therefor.

**§ 230-11. One-Family Residence RA-9 District.**

In a One-Family Residence RA-9 District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

A. Any use permitted in One-Family Residence RA-40 Districts and subject to all the regulations therefor.

**§ 230-12. One-Family Residence RA-5 District.**

In a One-Family Residence RA-5 District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

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<sup>7</sup> Editor's Note: Former Subsection A(10)(i), Signs, which followed this section, was repealed 3-19-2001 by L.L. No. 3-2001. See now § 230-44P. In addition, original § 3.1.1.10(j), Dish Antennas, which followed the signs subsection, has been moved to Art. VII, §230-48 *note to Trustees: §230-48 has been deleted.*

- A. Any use permitted in One-Family Residence RA-40 Districts and subject to all the regulations therefor.

**§ 230-13. Two-Family Residence RB District.**

In a Two-Family Residence RB District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

- A. Any use permitted in One-Family Residence RA-40 Districts and subject to all the regulations therefor.
- B. Two-family dwellings.
- C. Boarding- or rooming house in which not more than three persons, in addition to the family residing therein, are housed or lodged for compensation with or without meals.

**§ 230-14. Multiple Residence RC District.**

A. In a Multiple Residence RC District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

(1) [Amended 5-7-1990 by L.L. No. 2-1990] Any uses permitted in One-Family Residence RA-9 Districts and in Two-Family Residence RB Districts, and subject to all the regulations therefor, except that:

(a) Not more than one professional office or studio, other than accessory to a use otherwise permitted, shall be permitted for each 20 dwelling units or major fraction thereof on the lot. Such office or studio shall be only on the street floor of any building or on the floor immediately above the street floor only if there is direct access to such office or studio from outside the building.

(2) A dwelling for three or more families, provided that the entire lot occupied by such dwelling shall be maintained in single ownership throughout the life of the building.

- B. Approval of site development plans. Prior to the issuance of a building permit or change of use or access permit, all site development plans for residences buildings containing more than two dwelling units shall be subject to approval by the Planning Board in accordance with the provisions in Article XI hereof.

**§230-15. Limited Office O-1 and O-2 and ~~O-3~~ Districts [Amended 5-7-1990 by L.L. No. 2-1990]**

*note: since no use regulations have been established for the O-3 district and the district is not mapped, the district has been deleted from the zoning code. The text of §230-15 remains the same.*

**REMAINDER OF ARTICLE IV STAYS THE SAME**

## **ARTICLE V: SPECIAL DISTRICTS**

(note: this article has been renumbered but the contents remain the same)

### **§ 230-21. Multiple Development Use [Added 1-11-1982 by L.L. No. 2-1982<sup>8</sup>]**

#### **A. Purpose.**

A multiple development use (MDU) is intended to:

1. Facilitate development consistent with the Comprehensive Master Plan of the Village.
2. Achieve variety and flexibility in land development.
3. Promote development which will preserve the natural environment.
4. Encourage efficiency in the use of land.
5. Preserve features of unusual historic or scenic value.
6. Permit development of larger tracts of land as a unit.

#### **B. Eligibility requirements.**

Each multiple development use shall be comprised of 10 or more contiguous acres of land under single ownership.

#### **C. General conditions.**

1. A multiple development use designation shall require the tract so designated to be developed as a unit, pursuant to one site development plan, covering the entirety of the designated contiguous tract of land.
2. A multiple development use designation shall be effected by the Village Board of Trustees as an amendment to the Village Zoning Map, in accordance with the procedures set forth in Article XIV of this chapter and such regulations as the Village has adopted or may in the future adopt under such Article.
3. A multiple development use must be consistent with the goals of the Comprehensive Master Plan of the Village, and it will be the responsibility of the applicant to demonstrate such consistency.
4. After designation of a tract of land as a multiple development use by the Village Board of Trustees, development of the same shall be subject to preliminary and final site development plan approvals by the Planning Board, in accordance with the procedures set forth in Article XI of this chapter and such regulations as the Village has adopted or may in the future adopt under such Article.

#### **D. Permitted uses.**

1. All uses permitted for the land immediately prior to its designation as a multiple development use shall be deemed permitted uses, except that retail sales and banks shall not be permitted.
2. In designating land as a multiple development use, the Village Board of Trustees may also permit any or all of the following uses, provided that it is established to the satisfaction of the Village Board of Trustees that such use is an integral part of the proposed development, is logically related to its needs and is consistent with the goals of the Master Plan.
  - a) For land located in an RA, RB or RC Zoning District, such uses as are permitted in any residential zoning district, in a C-1 District, scaled primarily to meet the needs of the residents of the MDU, except that such scaling down need not be required for uses found in § 230-16A(3), (4), (5) and (6) and in an O-1 District; and

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<sup>8</sup> Editor's Note: This local law also repealed original § 3.13, Planned Unit Development. Pursuant to the provisions of former § 3.13, a PUD District #1 was established for a tract of land identified on the Village Tax Maps as Section 60, Block 401, parts of Lots 1B and 1D. The specific requirements for PUD District #1 are found in Article XVI of L.L. No. 6-1979, on file in the office of the Village Clerk.

- b) For land located in a zoning district other than RA, RB or RC, such uses as are permitted in a nonresidential zoning district. In determining the permitted uses, consideration shall be given to the size of the site and the location with respect to community services, facilities and transportation. Any permitted use other than those uses permitted for the land immediately prior to its designation as a multiple development use shall be deemed conditional permitted uses revocable as provided in this chapter.

***E. Site development standards.***

1. All bulk, height and parking regulations applicable to the district in which the land is located shall apply to an MDU except as otherwise provided by the Board of Trustees which is empowered to modify the applicability of any such regulation by the resolution designating and approving a multiple development use; provided, however, that in no event shall:
  - a. The maximum residential density exceed 110% of the density allowed before the land was designated as an MDU.
  - b. A grouping of residences exceed 200 feet in length.
  - c. The distance between a grouping of residences be less than the height of the tallest building in the group.
2. Determination of maximum density.
  - a. The determination of the maximum permitted density allowed before the land was designated as an MDU and before any bonus shall be based on the existing zoning and the size of the parcel without reduction for such factors as internal roads or the requirement of dedication of property for recreational facilities.
  - b. An application for designation as an MDU shall not be accompanied by an application for rezoning of the land into a less restrictive district. It is the intent of this subsection that an MDU shall not be used as a basis for increasing residential density beyond the limits specified in this Subsection B.
  - c. Residential density in excess of that allowed prior to designation as an MDU shall be permitted only for architectural excellence, inclusion of recreational facilities, such as a swimming pool or tennis courts, or other elements contained in the MDU which are of special benefit to the Village, meet general community needs or reduce the potential strain on other community facilities.

***F. Procedures for MDU designation and approval of site development plans.***

1. An MDU shall be designated by the Village Board of Trustees as an amendment to the Zoning Map on petition of the owner of the tract of land for which an MDU designation is sought.
2. A petition for MDU designation shall be filed with the Village Board of Trustees, accompanied by such fee as the Village Board of Trustees may from time to time set in the regulations under this section.<sup>9</sup> Such petition shall be supported by a preliminary site development plan containing the information required by Article XI of this chapter and such regulations as the Village has adopted or may in the future adopt under such Article. The submission shall also include the following documentation:
  - a. Evidence of how the particular mix of land uses meets the needs of the residents of the proposed MDU as well as general community needs.
  - b. Evidence that the proposal is compatible with the goals of the Master Plan.
  - c. If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the preliminary site development plan shall show the intended total project.
3. A petition for MDU designation and all supporting submissions shall be referred by the Village Board of Trustees to the Planning Board, and a recommendation shall be made by the Planning

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<sup>9</sup> Editor's Note: The current fee resolution is on file in the office of the Village Clerk.

Board to the Village Board of Trustees pursuant to and within the terms provided by Article XIV of this chapter. Subsequent to receipt of the recommendation of the Planning Board or to the expiration of the above-mentioned term without recommendation of the Planning Board and after public hearing as provided by § 230-82C, the Village Board of Trustees shall act upon the petition. If said decision should grant the petition and amend the Village Zoning Map, the decision shall state the permitted uses, density, bulk and parking regulations and other regulations and conditions, all as provided in § 230-25 of this chapter. Such conditions may include but are not confined to visual and acoustical screening, land use mixes, order of construction and/or occupancy, vehicular and pedestrian circulation systems, availability of sites within the area for necessary public services, protection of natural sites and other such conditions that may be required by the public health, safety and general welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood.

4. After the decision of the Village Board of Trustees amending the Village Zoning Map to designate a tract of land as an MDU, the owner shall submit to the Planning Board preliminary and/or final site development plans. The Planning Board shall approve, approve conditionally or disapprove such plans, in accordance with Article XI of this chapter and such regulations as the Village has adopted or may in the future adopt under such Article. In acting upon such submission, the Planning Board shall be bound by the terms of the Village Board of Trustees amendment to the Village Zoning Map designating as an MDU the tract of land covered by the submission.
5. The Planning Board shall not approve any site development plan covering less than the entirety of a tract of land designated as an MDU.
6. Prior to the issuance of a building permit, all site development plans shall be subject to approval by the Planning Board.

***G. Lapse of approval of site development plan.***

If no construction has begun or no use has been established in the MDU within one year from the date of the Planning Board's approval of the final site development plan, said approval shall lapse and be of no further effect. If construction has begun or use has been established within one year from the date of the Planning Board's approval but the development has not been completed within three years of said approval, then said approval shall, except as provided in § 230-29 relating to phasing of development, lapse and be of no further effect in relation to the uncompleted part of the development. Upon such lapse, any conditionally permitted use, regulation and condition made in connection with the designation of the multiple development use shall also lapse, and the land shall automatically be rezoned to its prior use classification.

***H. Performance guaranty.***

The Village Board of Trustees shall, as a condition of the amendment of the Village Zoning Map designating an MDU, require a bond on terms satisfactory to said Board, guaranteeing performance of the final site development plan approved by the Planning Board.

***I. Phasing of development.***

The Village Board of Trustees in its amendment to the Village Zoning Map designating an MDU or the Planning Board in its approval of the final site development plan for an MDU may permit or require that such development be phased over a number of years and may direct the chronological order of development. In such case, the term beyond which failure to complete the development shall result in lapse of the Planning Board's approval under § 230-27 shall be, in respect of each phase of the development, that stipulated for that phase.

**J. Amendment of site development plan.**

Any application for amendment of an approved site development plan shall be dealt with by the Planning Board under Article XI of this chapter in the same manner as an original site development plan application, except to the extent that the required information is contained in the approved site development plan. In acting upon an application for such amendment, the Planning Board shall be bound by the terms of the Village Board of Trustees' amendment to the Village Zoning Map designating as an MDU the tract of land covered by the approved site development plan.

**K. Revocation of MDU designation.**

The Village Board of Trustees may revoke the designation of a tract of land as an MDU as an amendment to the Village Zoning Map and in accordance with the procedure set forth in Article XIV of this chapter. Upon such revocation, all uses, bulk and parking regulations and other regulations and conditions affecting the development of such tract of land shall be those of the original zoning district of said tract of land.<sup>10</sup>

**§ 230-22. Waterfront Development (WD) District [Added 2-1-1999 by L.L. No. 2-1999]**

**A. Purposes.**

The Waterfront Development District zoning provisions are intended to facilitate the development of property along the Hudson River waterfront while:

1. Being consistent with the overall intent of the Village's Master Plan.
2. Being consistent with the provisions of the Village's Local Waterfront Revitalization Program.
3. Being consistent with the overall intent of the Village's Greenway Vision Plan.
4. Enhancing and utilizing the potential of the Village's riverfront.
5. Strengthening the physical integrity of the Hudson River waterfront and the economic viability of the Village.
6. Expanding the use and public accessibility to the Village's Hudson River waterfront for purposes of recreation, leisure and year-round residence.
7. Encouraging the development of larger tracts of land as single, unified and comprehensive projects.

**B. Eligibility.**

Each Waterfront Development District shall be comprised of 10 or more contiguous acres of dry land under single ownership and shall have a minimum of 1,000 feet of shoreline along the Hudson River.

**C. General conditions.**

1. Single development plan. The Waterfront Development District designation shall require the tract so designated to be developed pursuant to one site development plan, covering the entirety of the designated tract of land and showing the complete development of the site, including any phasing which may be permitted or required in accordance with § 230-31.11E(4) below.
2. Amendment to Zoning Map. A Waterfront Development District designation shall be effected by the Village Board of Trustees as an amendment to the Village's Zoning Map, in accordance

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<sup>10</sup> Editor's Note: Former § 3.15, Riverfront Development Use, added 8-19-1985 by L.L. No. 4-1985 to follow this section, was repealed 8-21-1989. Local Law No. 8-1989 repealed the definitions of "shoreline" and "dry-land" from § 230-4 and also provided that the repeal shall not affect any site plan approval or other implementing action with respect to any property which had theretofore received a riverfront development use designation.

with the procedures set forth in Article XIV of this chapter and such regulations as the Village has adopted, or may in the future adopt, under such article.

3. Site development plan approval. Proposed development of a tract of land in a Waterfront Development District shall be subject to preliminary and final site development plan approvals by the Planning Board, in accordance with the procedures set forth in Article XI of this chapter, and such regulations as the Village has adopted, or may in the future adopt, under such article. Notwithstanding the above, the Planning Board may employ a single-phase site development plan review and approval process where, in the Planning Board's judgment, said single-phase process will be equally protective of the public health, safety and general welfare and will serve equally to implement the purposes enumerated in §§ 230-2 and 230-31.1 of this chapter. Any changes in the uses, layout, buildings, structures or other aspects of the development shall require a site development plan amendment and corresponding Planning Board review and approval in conformity with the procedures set forth in article XI and any regulations thereunder.

**D. Permitted uses.**

No building or premises shall be used, and no building or part of a building shall be erected or altered, which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

1. Recreational uses. The following recreation facilities:
  - a. Swimming, water-skiing, fishing, sailing and boating.
  - b. Ice skating.
  - c. Tennis, platform tennis and other racquet sports, handball, basketball and other similar sports.
  - d. Picnic areas, playgrounds and trails.
2. Residential uses. The following types of residential development:
  - a. Attached or detached single-family dwellings.
  - b. Two-family dwellings.
  - c. Multiple-family dwellings.
  - d. Recreational and public assembly facilities associated with residential development.
3. Special permit uses. Subject to the issuance of a special permit by the Village Board of Trustees, the following uses:
  - a. Restaurants.
  - b. Marinas and yacht clubs.
  - c. Ferry terminals.
  - d. Docks and piers for any permitted use under this section.
  - e. Repair facilities for recreational boats.
  - f. Public utilities.
  - g. Municipal facilities subject to § 230-45 of this chapter.
  - h. Cultural uses:
    - 1) Theaters for the performing arts.
    - 2) Temporary art, craft and educational exhibits.
    - 3) Band shells.
    - 4) Museums.
4. Additional considerations. The Planning Board, before recommending approval of a special permit for any of the uses set forth in § 230-31.4C above, and the Village Board, before approving an application for such a special permit, shall consider, in addition to the requirements and objectives set forth in Article X of this chapter, the following:
  - a. Compatibility of the proposed use(s) with the use(s) of adjacent buildings and property.
  - b. Absence or prevalence of similar uses within the vicinity of the site and within the Village.

- c. Off-street parking demands of the proposed use(s).
- d. The public access aspects of the project in relation to the requirements of § 230-31.10 of this chapter.
- e. Any other factors that may be deemed significant by either Board in relation to the proposed use(s) and any neighboring use(s).

**E. Accessory uses.**

No accessory uses shall be permitted except for those which are deemed by the Planning Board during the site development plan review process to be customarily incidental to the permitted uses in § 230-31.4A through C above and the following:

1. Customary home occupations in accordance with the requirements of § 230-9A(10)(a) of this chapter.
2. Professional offices or studios in accordance with the requirements of § 230-9A(10)(b) of this chapter.
3. Retail sales of items incidental to the conduct of nonresidential uses approved on the final site development plan.

**F. (Reserved)<sup>11</sup>**

**G. Enclosure.**

All permitted uses and all storage and accessory uses thereto, other than off-street parking and recreational facilities and activities that by their nature are placed or conducted out-of-doors (or such other uses as are deemed by the Planning Board during the site development plan review process to be more appropriately conducted in nonenclosed facilities), shall be carried on in structures fully enclosed on all sides. The outdoor storage of boats on dry land may be permitted, provided that there is adequate screening as shown on the approved site development plan.

**H. Landscaping.**

The entire tract shall be suitably landscaped, as shown on the approved site development plan. All landscaping shall be properly maintained throughout the life of the approved uses of the development, in accordance with the provisions of § 230-71 of this chapter.

**I. Bulk, height and parking requirements.**

The respective minimum and maximum requirements and standards for all uses shall be as follows:

1. Density.
  - a. Market-rate dwelling units. The residential density shall not exceed a maximum of one dwelling unit for every 5,000 square feet of dry-land area.
  - b. Affordable dwelling units. The Village Board of Trustees may permit additional dwelling units not to exceed 5% of the number calculated in accordance with the provisions of Subsection A(1) immediately above, if the additional dwelling units are deemed by the Board of Trustees to be affordable units. The affordable dwelling units shall be integrated among the market-rate units in the project.
2. Building height. The maximum building height shall be three stories and 37 feet, except that no building within 75 feet of the mean high water line of the shoreline shall exceed two stories and 25 feet.
3. Building length. The maximum horizontal dimension of any building or structure shall not exceed 250 feet.

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<sup>11</sup> Editor's Note: Former § 230-31.6, Signs, was repealed 3-19-2001 by L.L. 3-2001. See now §230- 44P.

4. Building spacing. The distance between any two buildings shall not be less than 40 feet, except that unenclosed decks of reasonable depths, as determined by the Planning Board during site development plan review, may extend into the forty-foot-wide separation area.
5. Open space. At least 20% of the tract of land shall constitute "open space" as such term is defined by this chapter.
6. Habitable floor area. The minimum habitable floor area per dwelling unit shall be 750 square feet, except for affordable dwelling units in which case the minimum habitable floor area per dwelling unit shall be 600 square feet. [Note: The exact amount of floor area is to be determined in concert with the village's Affordable Housing Committee.]
7. Building coverage. The footprints of the buildings in the project shall not exceed 30% of the total dry-land area of the tract.
8. Floor area ratio. The floor area ratio of the proposed use shall not exceed 0.50 of the dry-land area of the tract.
9. Marina size.
  - a. The length of a marina in the project shall not exceed 60% of the site's shoreline.
  - b. The maximum plan depth of a marina shall be the lesser of 12% of the site's shoreline or 300 feet.
10. Off-street parking spaces. The minimum number of off-street parking spaces included in the project shall be:
  - a. Per dwelling unit: 2.0 spaces; plus a number of reserved guest spaces to be determined by the Planning Board during the site development plan review process; plus
  - b. Per employee: 1.0 space; plus
  - c. Per marina slip or mooring: 0.5 space; plus
  - d. For all other uses: spaces in accordance with the provisions of this chapter.
11. Setbacks. No structure, other than for a special permit use listed in § 230-31.4C above, shall be permitted within 25 feet of the mean high water line of the shoreline and no structure, regardless of use, shall be permitted within 20 feet of a street line or lot line, except as specifically permitted by the Planning Board during the site development plan review process based on a demonstration by the applicant that the reduced setback will be sufficient to adequately separate adjacent land uses.

**J. Public access.**

1. Right-of-way or easement. In order to foster the purposes of this article, in order to implement the policies expressed in the documents listed in § 230-31.1 above and in order to increase public pedestrian access to and the potential for enjoyment of the Hudson River waterfront, the site development plan shall show a dry-land right-of-way or easement for the enjoyment of the public, which easement shall be not less than 20 feet in width traversing the entire length of the site unless configured otherwise by the Planning Board during the site development plan review process. To the maximum extent practicable, said right-of-way or easement shall be integrated so as to create linkages with existing and anticipated public pedestrian and bicycle trail systems on adjacent lands.
2. Public recreational and/or cultural facilities. Ten percent of the total dry-land area of the site shall be developed as suitable public recreational and/or cultural facilities, identical or similar to those set forth in § 230-31.4A and C(8) of this chapter. In determining adherence to this requirement, land used for public trails and walkways (excluding residential sidewalks but including the right-of-way or easement required by § 230-31.10A immediately above), bike paths and boat launching facilities shall be included. In meeting this requirement, a minimum of 0.5 acre shall be in the form of public recreational and/or cultural facilities identical or similar to those set forth in § 230-31.4A and C(8), excluding associated parking spaces.
3. Meanings of "public." For the purposes of § 230-31.10A and B immediately above, the usage of and access to the respective public facilities shall be as determined by the Village Board of

Trustees, on a case-by-case basis, during the designation of a tract of land as a Waterfront Development District; said facilities may be open to the general public or restricted to village residents as deemed appropriate by the Village Board. In any event, usage of and access to such facilities shall either be at no cost or will require no more than a nominal fee. If deemed appropriate by the Planning Board during the site development plan review process, the common and private recreational facilities specified in § 230-31.10D below may be allowed to fulfill part of the 10% set aside for public recreational and/or cultural facilities required in § 230-31.10B above.

4. Other common and private recreational facilities. Residential developments may also have other permitted recreational facilities which are common and private to the development and which may also be available to adjoining development.

***K. Procedures for district designation and site development plan approval.***

1. Designation. A Waterfront Development District shall be designated by the Village Board of Trustees as an amendment to the Zoning Map on the initiative of the Board of Trustees or on petition of the owner of the tract of land for which a Waterfront Development District designation is sought.
2. Petition procedure. If the Waterfront Development District designation is based upon a petition from the owner of the tract of land, a petition for the Waterfront Development District designation shall be filed with the Village Board of Trustees, accompanied by such fee as the Village Board of Trustees may from time to time set in the regulations associated with this article. Such petition shall be supported by a site development plan containing the information required by Article XI of this chapter and such regulations as the village has adopted, or may adopt in the future, under such article. The submission shall also include the following documentation:
  - a. Evidence of how the proposed use(s) would meet the needs of the residents of the project as well as general community needs.
  - b. Evidence that the proposal is generally compatible with the goals of the village's Master Plan, its Local Waterfront Revitalization Program, its Greenway Vision Plan and the purposes of this article.
  - c. If the development is to be phased, a general indication of how the phasing is to proceed. Whether or not the development is to be phased, the site development plan shall show the total project.
3. Referral to Planning Board and designation decision. The proposed designation of a Waterfront Development District by the Village Board of Trustees or the petition for a Waterfront Development District designation by the owner of the tract of land and all supporting submissions shall be referred by the Village Board of Trustees to the Planning Board. A recommendation shall be made by the Planning Board to the Board of Trustees pursuant to and within the term provided by Article XIV of this chapter. Subsequent to the receipt of the recommendation of the Planning Board, or subsequent to the expiration of the above-mentioned term without the recommendation of the Planning Board, and after public hearing as provided by Article XIV of this chapter and the conclusion of the State Environmental Quality Review process, the Village Board of Trustees shall act upon the petition.
4. Designation conditions. A Waterfront Development District designation may be contingent upon terms and conditions pertaining to, but not limited to, mix of land uses, visual and acoustical screening, the sequence of construction and/or occupancy, systems for vehicular and pedestrian circulation, availability of sites for necessary public services, protection of natural resources and other such conditions that may be required for the public health, safety and general welfare and for the comfort and convenience of the public in general and the residents and landowners of the project and the immediate neighborhood in particular.

5. Site development plan. Prior to development in a Waterfront Development District, the owner of the tract of land or his designee shall submit to the Planning Board a site development plan. The Planning Board shall be bound by the terms and conditions of the Village Board of Trustees' amendment to the village Zoning Map designating the tract of land as a Waterfront Development District.
  - a. Access. The site development plan submission shall include a detailed plan for the applicant's construction (and maintenance, if dedication to the Village would not ensue) of vehicular and pedestrian access to the site, if such access is not already provided adequately by village-maintained streets and roads.
  - b. Site development plan approval.
    - 1) Site development plan approval shall be conditioned upon the development being designed to adequately preserve an open character with respect to principal views of the Hudson River from residential areas of the village as well as principal views from the Hudson River to residential areas of the Village, through the appropriate placement, spacing, height and bulk of buildings and structures.
    - 2) The Planning Board shall not approve any site development plan covering less than the entirety of the tract of land designated as a Waterfront Development District.
  - c. Lapse of approval of site development plan. If no construction has begun or if no use has been established in the project within one year from the date of the adoption of the Planning Board's resolution of site development plan approval (final site development plan approval in the case of a two-phase process), said approval shall lapse and be of no further effect. If construction has begun or if the use has been established within said one-year period, but if the development has not been completed within three years of said approval, then said approval shall, except as provided in § 230-31.11E(4) of this chapter relating to the phasing of development, lapse and be of no further effect in relation to the uncompleted part of the development. The Planning Board may, in its discretion, extend said three-year completion period, upon application prior to its expiration, if such extension is warranted by the particular circumstances of the development.
  - d. Phasing of development. The Village Board of Trustees in its amendment to the Village Zoning Map designating a Waterfront Development District based upon a petition by a landowner, or the Planning Board in its approval of the site development plan, may permit or require that such development be phased over a number of years, and may direct the chronological order of development. In such case, the term beyond which failure to complete the development shall result in a lapse of the Planning Board's approval under § 230-31.11E(3) above shall be stipulated by the Board of Trustees or Planning Board for each phase of development. The public recreational and/or cultural facilities required by § 230-31.10B of this chapter and any other recreational and/or cultural facilities shall not constitute the final phases of the project.
  - e. Guarantee of performance. The Planning Board shall, as a condition of site development plan approval, require a performance guarantee with terms satisfactory to said Board, for the purpose of guaranteeing performance by the applicant with respect to improvements and infrastructure to be offered in dedication to the village, erosion and sedimentation control measures and potential site restoration measures, regarding the approved site development plan.
  - f. Amendment of the site development plan. Any application for amendment of an approved site development plan shall be processed by the Planning Board in the same manner as an original site development plan application, except to the extent that the required information is contained on the approved site development plan. In acting upon an application for such amendment, the Planning Board shall be bound by the terms and conditions of the Village Board of Trustees' amendment to the Village Zoning Map designating the tract as a Waterfront Development District.

6. Amendment of Waterfront Development District designation. The Village Board of Trustees may amend the designation of a tract of land as a Waterfront Development District as an amendment to the village Zoning Map, in accordance with the procedures set forth in Article XIV of this chapter. Upon such amendment, all uses, bulk and parking regulations, and other provisions and conditions affecting the development of such tract of land, shall be those of the new zoning district designation of said tract.

**ARTICLE VI: DISTRICT BULK AND PARKING REGULATIONS**

**§ 230-32. Adoption of standards.**

The following schedules of regulations applying to the area of lots, the height of buildings, the yards and other open spaces to be provided, off-street parking spaces, minimum floor areas and all other matters contained therein, as indicated for the various districts established by this chapter, are hereby adopted and declared to be a part of this chapter.

**§ 230-33. One-Family RA-40, RA-25, RA-9 and RA-5 Districts, [Amended 1-21-1985 by L.L. No. 1-1985]**

**A. Bulk and Parking Regulations for One-Family Districts.** The bulk and parking regulations for One-Family Residence Districts RA-40, RA-25, RA-9 and RA-5 shall be as follows: (See also Article II, Definitions; Article IV, District Use Regulations; Article VII, Supplementary Regulations; and Article VIII, Off-Street Parking, Driveways and Loading Facilities.)

	<i>For Uses In</i>			
	<i>RA-40</i>	<i>RA-25*</i>	<i>RA-9*</i>	<i>RA-5*</i>
Minimum Required				
Lot area (square feet)	40,000	25,000	9,375	5,000
Lot width (feet)	150	125	75	50
Lot depth (feet)	200	150	125	100
Front yard (feet)	50	40	25	15
One side yard (feet)	30	20	12	8
Both side yards (feet)	80	50	30	20
Rear yard (feet)	40	30	30	25
<b><u>Minimum</u></b> Habitable floor area				
per dwelling unit				
Total (square feet)	1,400	1,200	1,000	880
Main-floor (square feet)	880	880	880	--
Off-street parking spaces				
per dwelling unit	2	2	2	2
Maximum Permitted				
Building height				
Stories	2 1/2	2 1/2	2 1/2	2 1/2
Feet	35	35	35	35
Building coverage (percent)	20	25	35	40
<b><u>Floor Area Ratio</u></b>	<b><u>0.15</u></b>	<b><u>0.20</u></b>	<b><u>0.40</u></b>	<b><u>0.55</u></b>

\*NOTE: All permitted nonresidential uses shall conform to the regulations for such uses in RA-40 Districts.

**B. Calculating Floor Area Ratio for Oversized and Undersized One-Family Residences. The permitted floor area for one-family homes on lots that are larger or smaller than the minimum zoning lot size is obtained by multiplying the FAR for the zoning district in which the home is located by the lot size. For example, for a 50,000 square foot lot in an RA-40 district, multiply 50,000 by 0.15.**

**Undersized lots. For lots that fall below the minimum lot size requirement in a given district, FAR is increased by the same percentage that the lot is undersized. For example, a lot that is 10% smaller than the minimum lot size would have a permitted FAR that is 10% greater than the established FAR; e.g., a 36,000 square foot lot in an**

RA-40 district (10% below the minimum lot size) would have an FAR of 0.165. The permitted floor area on the lot is then calculated by multiplying the lot area by the FAR.

In no case shall the increase in FAR for undersized lots lead to a permitted FAR that is larger than the FAR permitted in the next most dense residential zoning category. For example, in an RA-9 district, the FAR for an undersized lot cannot be increased to the point where it is higher than the FAR permitted for an RA-5 district.

**§ 230-34. Two-Family RB Districts and Multifamily Residence RC Districts. [Amended 1-21-1985 by L.L. No. 1-1985]**

The bulk and parking regulations for Two-Family Residence RB Districts and Multiple Residence RC Districts shall be as follows: (See also Article II, Definitions; Article IV, District Use Regulations; Article VII, Supplementary Regulations; and Article VIII, Off-Street Parking, Driveways and Loading Facilities.)

	RB Districts		RC Districts	
	One-Family Residence	Two-Family Residence	One-Family Residence	Multiple-Residence
<b>Minimum Required</b>				
Lot area (square feet)				
Total	5,000	--	9,375	4 acres
Per dwelling unit	--	2,500	--	3,000
Lot width (feet)	50	75	75	200
Lot depth (feet)	100	100	125	200
Front yard (feet)	20	20	25	40
One side yard (feet)	8	12	12	25
Both side yards (feet)	20	30	30	50
Rear yard (feet)	25	30	30	30
<b><u>Minimum</u> Habitable floor area per dwelling unit</b>				
Total (square feet)	880	600	1,000	600
Main floor (square feet)	--	--	--	880
Off-street parking spaces per dwelling unit	2	1	2	1.5
Usable open space Per dwelling unit	--	400	--	400
<b>Maximum Permitted</b>				
Building height				
Stories	2.5	3	2.5	2
Feet	35	35	35	30
Building coverage	40%	40%	35%	30%
<b><u>Floor Area Ratio<sup>1</sup></u></b>	<b><u>0.60</u></b>	<b><u>0.60</u></b>	<b><u>0.40</u></b>	<b><u>0.55</u></b>

NOTE: All permitted nonresidential uses shall conform to the regulations for such uses in RA-40 Districts.

<sup>1</sup> *The procedure for calculating floor area for oversized and undersized lots in RB and RC districts is same as for one-family residence districts. See §230-33B for instructions on calculating floor area in under- or oversized lots.*

**§ 230-35. Limited Office O-1, Central Commercial C-1 and General Commercial C-2 Districts. [Amended 1-25-1985 by L.L. No. 1-1985; 1-7-2002 by L.L. No. 1-2002]**

The bulk and parking regulations for Limited Office O-1, Central Commercial C-1 and General Commercial C-2 Districts shall be as follows: (See Article II, Definitions; Article IV, District Use Regulations; Article VII, Supplementary Regulations; and Article VIII, Off-Street Parking, Driveways and Loading Facilities.)

	For All Permitted Uses In		
	O-1	C-1	C-2
Minimum Required			
Lot area (acres)	--	--	--
Lot width (feet)	100	25	50
Lot depth (feet)	100	--	--
Front yard (feet)	20	--	10
Side yard (feet)	10	None required but 10 feet minimum if provided	
Side yard for lots within 25 feet of a residence district boundary (feet)	--	10	10
Rear yard (feet)	20	None required but 10 feet minimum if provided	
Rear yard for lots within 25 feet of a residence district boundary (feet)	30	30	30
Off-street parking spaces (whichever is greater):			
Per 300 square feet of office floor area	1*	1*	1*
Per employee	1*	--	--
Per 250 square feet of retail/service floor area	--	1*	1*
Maximum Permitted			
Building height			
Stories	2.5	2	2
Feet	35	35	35
Floor area ratio	<u>0.40</u>	2.0	<u>0.5</u>

NOTE: In the following locations only, the off-street parking requirements of this section may be waived by the Planning Board as part of its site plan approval or change of use approval upon its determination that the site is already improved and that the required number of on-site parking spaces are not available and, due to site limitations cannot be constructed: Old Post Road South; Grand Street; Bank Street; North Riverside Avenue between Bank Street and Farrington Road; and the west side of South Riverside Avenue between Benedict Boulevard and Clinton Street.

**§ 230-36. Limited Office O-2 and ~~O-3~~ Districts. [Amended 4-22-1991 by L.L. No. 2-1991]**

The bulk and parking regulations for the Limited Office O-2 ~~and O-3~~ Districts shall be as follows: (See Article II, Definitions; Article IV, District Use Regulations; Article VII, Supplementary Regulations; and Article VIII, Off-Street Parking, Driveways and Loading Facilities.)

**A. Bulk requirements.**

**Minimum Requirements**

	<b>District:</b>	<b>O-2</b>	<b><del>O-3</del></b>
Lot area (acres)		1	1
Lot width (feet)		150	<del>150</del>
Lot depth (feet)		150	<del>150</del>
Front yard (feet)*		25	<del>50</del>
Side yard (feet)		25	<del>25</del>
Rear yard (feet)		25	<del>25</del>
 <b>Maximum Permitted</b>			
Building heights (feet)		25	<del>35 or 2.5 stories</del>
Floor area ratio		.40	<del>.20</del>
Site coverage ratio (including buildings and paved areas)		----	<del>.50</del>

\*NOTE: In the event that the village or the state is the owner of the land alongside and between the edge of the improved portion of the highway or, if there is a sidewalk, between the edge of the sidewalk and the land of the abutting property owner, and such land of the state or village is not usable for the purposes other than right-of-way purposes, the Board of Appeals, by special permit and with such conditions as it may deem advisable, may prescribe that the edge of the highway or, if there is a sidewalk, the edge of the sidewalk, be considered as the street line for purposes of determining front yard setbacks in a Limited Office O-2 District; provided, however, that no building in a Limited Office O-2 District shall, in any event, be less than 15 feet from the property line of the lot on which the building is constructed.

B. Off-street parking in Limited Office O-2 ~~and O-3~~ Districts. There shall be a minimum of one off-street parking space per 300 square feet of building. No parking or other paved area shall be located less than 25 feet from any street line, except for ingress and egress.

**Sections 230-37 (Light Industrial LI District) through 230-39 (PRE District) remain the same.**

**ARTICLE VII: SUPPLEMENTARY REGULATIONS**  
*(note: changes to §§230-40; 230-44P(4); and 230-48)*

**§ 230-40. Supplementary regulations applicable to residence districts. (§230-40H deleted)**

- A. Accessory buildings.
- (1) An accessory building may be located in any required side or rear yard, provided that:
    - (a) Such building shall not exceed 15 feet in height.
    - (b) Except as provided in Subsection E(1) below for fences, such buildings shall be set back not less than five feet from any lot line.<sup>12</sup>
    - (c) All such buildings in the aggregate shall not occupy more than 30% of the area of the required rear and side yards.
  - (2) Accessory buildings on adjoining lots constructed at the same time may be located in pairs or groups in the required rear or side yard along the common side lot line or rear lot line of contiguous lots.
- B. Relation of accessory buildings to streets. No accessory building shall project nearer to the street on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages or if the principal building does not face upon the street or for that or other reason related to topography or the characteristics of the neighborhood the requirement that accessory buildings project nearer to the street than such principal building is not appropriate, the Board of Appeals may authorize the issuance of a special permit for the erection of such garage or other accessory building which may project nearer to the street than such principal building, the normal front yard setback requirements for a principal building to apply to such garage or accessory building unless the Board of Appeals shall specify otherwise and except that the Board of Appeals may authorize the issuance of a special permit for the erection of garages within not less than 10 feet of the street line where the natural slope of the ground within 25 feet of such line is between 12% and 20% and within not less than five feet of the street line where such slope within 25 feet of such line exceeds 20%.
- C. Corner lots.
- (1) Obstruction to vision at street intersections. At all street intersections in all residence districts, no obstructions to vision exceeding 30 inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines 30 feet distant from their point of intersection, except tree trunks cleared to a height of eight feet.
  - (2) Rear and side yards. On a corner lot, front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other or others, side yards. The minimum district requirements for each shall be complied with.
- D. Exceptions to lot depth requirements. The minimum lot depth at any point may be decreased to 75% of the minimum requirement if the average depth conforms to the minimum requirement.
- E. Exceptions to yard requirements.
- (1) Permitted obstructions. Cornices or cantilevered roofs may project not more than two feet into a required yard. Belt courses, windowsills and other ornamental features may project not more than six inches into a required yard. Fences or walls not over six feet in height or less than 25% solid may be erected anywhere on the lot, except as set forth in Subsection C(1) above. Fences or walls with a height in excess of six feet and more than 25% solid shall conform to the requirements set forth herein for buildings. Paved terraces, steps and walks, other than such as are needed for access to the buildings on the lot, shall not project

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<sup>12</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I

within 15 feet of a street line or four feet of a property line. [Amended 9-12-1994 by L.L. No. 7-1994]

- (2) Entries and porticos. A roofed-over but unenclosed projection in the nature of an entry or portico not more than eight feet wide and extending not more than six feet out from the front wall of the building shall be exempt from the requirements of this subsection when the building otherwise complies with the regulations of this subsection. In computing the average setback, the presence of such entries and porticos shall be ignored.
  - (3) Existing setback. No proposed one-family or two-family dwelling need have a front yard greater than the average setback of two or more existing dwellings located within 300 feet on each side of said proposed dwelling, on the same side of the street and within the same block and the same district.
- F. Exceptions to height requirements for office buildings and laboratories. District height limitations shall not apply to chimneys, antennas, ventilators, skylights, water tanks, bulkheads, cooling towers, necessary mechanical appurtenances and similar features usually carried above the roof level in office or laboratory buildings, provided that:
- (1) The aggregate area covered by all such features shall not exceed 20% of the area of the roof of the building on which they are located.
  - (2) The height of each such feature shall not exceed 15 feet above the district height limitations.
  - (3) All such features, except antennas, shall be suitably screened in a manner which is in harmony with the building of which they are a part.
- G. Existing small lots in all RA and RB Districts.
- (1) Less than required area or width. A lot owned individually and separately on January 22, 1962, and owned individually and separately at all times thereafter which has a total area or width less than prescribed herein may be used for a one-family residence in RA and RB Districts and a two-family residence in RB Districts, provided that such a lot shall be developed in conformity with all applicable district regulations, other than the minimum lot area and lot width requirements, and with the minimum side yards set forth below:

	<i>For Lots With a Width of</i>		<i>Minimum</i>	<i>Total of Both</i>
	<i>(feet)</i>			
	<i>At Least or</i>	<i>Less Than</i>	<i>Side Yard</i>	<i>Side Yards</i>
	<i>More Than</i>		<i>(feet)</i>	<i>(feet)</i>
For one-family residence in:				
RA-40	100	125	20	45
RA-25	75	100	15	40
RA-9	50	75	8	20
RA-5	--	50	5	13
RB				
For two- <del>and</del> three-family residence in:				
RB	50	75	8	20

- (2) Less than required depth. A lot owned individually and separately on January 22, 1962, and owned individually and separately at all times thereafter which has a depth less than that prescribed herein may be used for a one-family residence in RA and RB Districts and a two-family residence in RB Districts, provided that such lot shall be developed in

conformity with all applicable district regulations other than the minimum lot depth requirement and provided that the rear yard is at least 25% of the lot depth.

H. ~~Diversity of design in all RA and RB Districts.~~EN

***Note: This section has been replaced by Diversity of Design language in Article XI, Site Plan Approval.***

~~(1) — Except as provided in this chapter, no building permit shall be issued for the erection of any building on land within any RA or RB District if it is like or substantially like any neighboring building existing or for which a building permit has been issued. To be deemed unlike any such building, a proposed building shall differ therefrom in the following respects:~~

~~(a) — Relative location of windows in the front elevation or in each of both side elevations with respect to each other and with respect to any door, chimney, porch or attached garage in the same elevation.~~

~~(b) — In the front elevation, both:~~

~~[1] — The relative location with respect to each other of the garage, if attached; the porch, if any; and the remainder of the building; and~~

~~[2] — Either the limits of the main roof, measured from the elevation of the first floor to the roof ridge, or, in the case of a flat roof, the highest point of the roof beams; or~~

~~[3] — The width of said portion of the building if it has a gable in the front elevation, otherwise the length of said roof ridge or said flat roof in the front elevation; and~~

~~(c) — One of the following:~~

~~[1] — The height of the main roof ridge or, in the case of a building with a flat roof, the highest point of the roof beams above the elevation of the first floor.~~

~~[2] — The height of the main roof ridge above the top of the plate. (All flat roofs shall be deemed identical in dimension.)~~

~~[3] — The length of the main roof ridge or, in the case of a building with a flat roof, the length of the main roof~~

~~[4] — The width between outside walls at the ends of the building measured under the main roof at right angles of the length thereof.~~

~~(2) — Buildings shall be deemed to be like each other in any dimension with respect to which the difference between them is not more than two feet.~~

~~(3) — Except as provided hereinafter, in relation to the premises with respect to which the permit is sought, a building shall be deemed to be a neighboring building if such building is located on any lot fronting on the same street as the proposed building which is the first, second or third lot next along said street in either direction from said proposed building or which is any lot directly across the street from the proposed building lot or from any lot referred to hereinafter. In order to promote harmonious arrangement of buildings, at the option of the builder, any building may be like, but reversed from, any one building either immediately adjacent on one side only or directly across the street.~~

~~(4) — The Planning Board may vary or waive in their entirety any or all requirements of this subsection wherever, in its opinion, the overall layout of the neighborhood, road pattern, setback variations, grading, observation of natural features, views and exposures and siting on individual structure are such as to prevent monotony of architectural design despite the similarity of the structures themselves and thus avoid any of the hereinbefore listed harmful effects of excessive general uniformity of design.~~

**§ 230-41. Accessory apartments. [Added 10-18-1982 by L.L. No. 8-1982]**

- A. Accessory apartments shall be permitted in all single-family residential districts upon issuance of a special permit by the Planning Board, subject to the conditions and limitations contained in this section.
- B. No accessory apartment shall be installed or maintained except upon special permit granted by the Planning Board. Ten copies of an application for an accessory apartment shall be filed in the office of the Village Engineer for submission and referral to the Planning Board. The application will be accompanied by 10 copies of a plan in such detail as the Planning Board shall prescribe. There shall be a public hearing upon the initial application. The application fee for a special permit for an accessory apartment shall be an amount set by resolution of the Board of Trustees.<sup>13</sup> Each such special permit for an accessory apartment shall be three years in duration, subject to earlier termination as provided in this section, and also subject to renewal by the Planning Board based upon an inspection by the Village Engineer or his designee. The Planning Board may require a public hearing on a renewal application but shall not be obligated to do so. [Amended 5-7-1990 by L.L. No. 2-1990; 6-27-1994 by L.L. No. 4-1994]
- C. Only a residence in existence prior to the date of the adoption of this section shall be permitted to have an accessory apartment.
- D. The owner or owners of a one-family residence in which the accessory apartment is located shall occupy at least one of the dwelling units on the premises. The special permit shall be issued to the owner of the property. [Amended 5-7-1990 by L.L. No. 2-1990]
  - (1) Should there be a change in ownership, the special permit use and the certificate of occupancy for the accessory apartment shall remain in effect for the balance of the term of the special permit and then shall become null and void. Thereafter, the tenant shall have 90 days to relocate; the second kitchen shall be removed by the owner within 60 days after the tenant leaves; and the house shall revert to a single-family status. Should the new owner decide to live in the structure and desire to continue the use of the second dwelling unit, then no later than 90 days prior to expiration of the special permit or, if ownership changes less than 90 days prior to such expiration, then within 90 days of the change of ownership, he shall apply to the Planning Board for a special permit. The special permit shall also become null and void 180 days after the death of the owner unless the property is also occupied by a surviving spouse who remains an occupant.
  - (2) Should there be a change in the residence of the owner, the special permit use and the certificate of occupancy for the accessory apartment shall become null and void. Thereafter, the tenant shall have 90 days to relocate; the second kitchen shall be removed by the owner within 60 days after the tenant leaves; and the house shall revert to a single-family status.
- E. The owner-applicant shall be required to file on the subject property a declaration of covenants at the Westchester County Clerk's office prior to the issuance of a special permit for an accessory apartment. This declaration shall be in favor of the Village of Croton-on-Hudson and state that:
  - (1) The special permit for an accessory apartment or any renewal of said special permit shall terminate upon the death of the undersigned or the survivor of the undersigned or upon the transfer of title to said premises or upon the undersigned no longer occupying the premises as his principal residence.
  - (2) The new owner of the premises shall have to apply to the Planning Board for a special permit to continue the accessory apartment.
- F. The owner of the premises or the lessee of the accessory apartment, both of whom shall be occupants of the premises, must be at least 55 years of age on the date the special permit is to be effective. [Amended 1-21-1985 by L.L. No. 1-1985]

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<sup>13</sup> Editor's Note: The current fee resolution

- G. Only one accessory apartment per dwelling shall be permitted. [Amended 5-7-1990 by L.L. No. 2-1990]
- H. An accessory apartment shall be permitted only within the main structure and not within any accessory building. Additions to the residence shall be permissible if they do not increase the building perimeter. The character, degree and extent of any such addition shall be a factor to be considered by the Planning Board in passing upon a special permit application.
- I. An accessory apartment shall have separate access, not observable from the street, unless there is a single access from the front of the building with a split access inside the building.
- J. All code requirements under village law and other applicable laws and regulations shall be complied with and a building permit obtained for any changes or alterations requiring such permit.
- K. The habitable floor area of an accessory apartment shall be no less than 400 square feet and no greater than the lesser of 750 square feet or 33.3% of the habitable floor area of the dwelling in which it is contained. [Amended 1-21-1985 by L.L. No. 1-1985; 5-7-1990 by L.L. No. 2-1990]
- L. The lot size for buildings containing accessory apartments shall conform to the requirements of the district in which the building is located unless a variance shall have been granted by the Zoning Board of Appeals.
- M. The building shall, to the degree reasonably feasible, maintain the character and appearance of a single-family dwelling.
- N. A residence containing an accessory apartment shall have a minimum of three off-street parking spaces. In an RA-5 District, no expansion of the existing parking area shall be permitted in order to satisfy this off-street parking requirement.
- O. If the premises are not serviced by the village sewer system, approval of the Westchester County Board of Health shall be obtained before issuance of a special permit.

***§ 230-42. Supplementary regulations for the Multiple Residence RC District.***

- A. Exceptions to yard requirements. Garages designed so as to allow the use of the roof thereof as part of the grounds may be erected in side or rear yards, not nearer than four feet to any property line, provided that the average height of such wall or walls thereof which face a side lot line or a rear lot line is not in excess of six and one-half (6 1/2) feet above the average level of such lot line. The side yard provision may be eliminated, but not reduced, along any portion of a lot line where a building erected on an adjoining lot is built to the lot line, provided that the second side yard shall be increased to a minimum width of two times the width otherwise required.
- B. Exceptions to maximum coverage regulations. Where the Board of Appeals finds that the provisions of the required off-street parking space underneath the principal building or in such a way as to enable the roof thereof to be used as part of the grounds would be impractical, such Board may authorize the issuance of a special permit allowing accessory garages to cover an additional 10% of the area of the lot. Garages designed to enable the roof thereof to be used as part of the grounds shall be exempt from any coverage limitation.
- C. Length of buildings. No building shall exceed a length of 160 feet.
- D. Distance between buildings. The following minimum distances between buildings shall be observed:
  - (1) Between a principal building, other than a one-family dwelling, and a one-story accessory building: 20 feet.
  - (2) Between any two other buildings: a distance equal to the average height of such buildings at the points where such buildings are nearest one to the other.
  - (3) Notwithstanding any other provision, and except as provided hereinafter, no building on any lot shall intrude into the area enclosed by an arc of a circle with a radius of 60 feet extending 70° on each side of a line perpendicular to the center of any legally required

window, other than a bathroom or kitchen window, and the exterior radii of such arc. All measurements shall be performed in horizontal projection at the sill level of the subject window. This limitation shall not apply to any wall of the same building the plane of which intersects the plane of the wall in which the subject window is located at an exterior angle of more than 80°. A minimum distance of 60 feet shall be maintained between the subject window and any wall parallel thereto, whether such wall is a part of the same or of another building on the same lot.

E. Courts.

(1) Inner courts are prohibited.

(2) The minimum width of an outer court shall be 20 feet, and the depth thereof shall not exceed its width.

**§ 230-42.1. Mixed occupancy. [Added 7-7-1993 by L.L. No. 4-1993]**

Dwelling units may be permitted on the non-street-level story of buildings having nonresidential use on the street level, subject to the issuance of a special permit from the Board of Trustees and in accordance with the following conditions:

- A. Mixed occupancy shall be permitted in Central Commercial C-1 and General Commercial C-2 Districts only, and in buildings which conform to the New York State Uniform Fire Prevention and Building Code for the proposed mixed occupancy. [Amended 6-13-1995 by L.L. No. 7-1995]
- B. The nonresidential use in a mixed-occupancy building shall be limited to the street level and shall not exceed 5,000 square feet.
- C. The residential and nonresidential uses in a mixed-occupancy building shall have separate means of access (this is, the entrance/exit for residential use shall not be through the nonresidential use of the building and vice versa), except that the Board of Trustees may, at its discretion, approve the use of a common lobby or plaza.
- D. The nonresidential use of the building shall be provided with the number of parking spaces required by § 230-35 herein. In addition, two parking spaces per dwelling unit shall be provided for the residential use of the building. The requirement of this subsection may be waived by the Board of Trustees for buildings existing on the date of adoption of this section if there is insufficient area for parking on the site of a mixed-occupancy building.
- E. All utility, storage, service and parking areas on the site of the mixed-occupancy building shall be screened by means of landscaping and/or fencing to the extent deemed necessary and practical by the Board of Trustees, in order to minimize the impact of these areas upon the residential use of the building.
- F. Residential use shall not be permitted in buildings housing motor vehicle sales and service agencies, motor vehicle service stations, manufacturing, animal hospitals, bowling alleys or any other use deemed by the Board of Trustees to be incompatible with the residential use of the building.

**§ 230-43. Nonresidential buildings.**

- A. Supplementary height regulations in RC, C-1, C-2, WC and PRE Districts. In RC, C-1, C-2, WC and PRE Districts, except for one- or two-family dwellings, where a lot has frontage on two or more streets or other public ways, the height limitation shall apply only as measured from the curb level along the street or way with a higher elevation above sea level. When penthouses, etc., are over 12 feet high and cover more than 20% of the roof area, measurements must be taken to the top of such penthouses or bulkheads. All penthouses, bulkheads, etc., must be 10 feet back of the front and rear walls of a building and three feet back of the side walls, except that walls of elevators and stair enclosures may be built on the side wall when required by the plan of the building. [Amended 5-7-1990 by L.L. No. 2-1990]

- B. Courts for nonresidential buildings.
  - (1) Inner courts. No inner court shall have a minimum dimension less than 1/2 of the average height of all surrounding walls.
  - (2) Outer courts. The minimum width of an outer court shall be 20 feet, and the depth thereof shall not exceed its width.
- C. Obstruction to vision at street intersections. The provisions of § 230-40C(1) shall also apply to corner lots in nonresidential districts. [Added 5-7-1990 by L.L. No. 2-1990]

**§ 230-44. Signs. [Amended 5-7-1990 by L.L. No. 2-1990; 2-15-1999 by L.L. No. 4-1999; 3-19-2001 by L.L. No. 3-2001]**

- A. Intent. The purposes of the signage regulations set forth in this chapter are to encourage the effective use of signs as a means of communication in the village; to minimize possible adverse effects of signs on nearby public and private properties; to maintain and enhance the visual and aesthetic environment; to improve pedestrian and vehicular traffic safety; and, to enable the fair and consistent enforcement of these sign regulations by the village.
- B. Conformance. Any sign shall be erected, replaced, moved or modified in conformity with the provisions of this chapter. All actions related to questions of conformance shall be subject to the review and decision thereon by the Planning Board. See Subsection K below for the regulation of temporary signs. Where the provisions of Subsections D through O below may be in conflict with the signage provisions relating specifically to the respective zoning districts in Subsection P below, the latter provisions shall apply.
- C. Application process.
  - (1) Except as provided in Subsection K in connection with temporary signs, the Village Engineer shall receive, review and comment on conformance for all completed applications to erect, replace, move or modify signs. The Village Engineer shall then forward applications that are in substantial compliance to the Visual Environment Board (VEB) within five business days for VEB review and recommendation on the issuance of a sign permit. The Visual Environment Board's opinion shall be rendered to the Village Engineer and/or Planning Board within 21 days of receipt of said application. If the signage is part of an application for a site plan approval or a change of use approval, the Planning Board's decision on the site plan shall include its decision on the proposed signage.
  - (2) The payment of an application fee in accordance with the village's schedule of fees shall accompany all sign permit applications.
  - (3) The Village Engineer and VEB shall maintain a book of photographs and/or drawings representing the types and styles of signs preferred in the village in order to assist in expediting the application process.
- D. Relationship to use. All signs, except for temporary signs and except for the kind of billboards permitted in Subsection M below, must pertain to a use conducted on the same property on which the sign is located.
- E. Illumination.
  - (1) Permitted signs may be illuminated, except where this chapter specifically prohibits certain signs from being illuminated. However, sign illumination shall not be twinkling, flashing, intermittent (except for time/temperature signs), or of changing degrees of color or intensity. Further, neon signs shall only be permitted on the inside of buildings. No sign shall contain or consist of Day-Glo-like material.
  - (2) All light sources used for illuminating signage shall be shielded and shall not be a source of glare.
  - (3) Upon referral by the Village Engineer and/or VEB, the Planning Board may require the submission of an illumination plan and may regulate the number, placement, intensity and hours of illumination of all light fixtures used for signage.

- F. Placement. No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper vehicular sight distance. Further, signs shall not interfere with pedestrian or vehicular traffic flow, nor shall any sign interfere with any ventilation system, door, window, fire escape or other emergency exit.
- G. Movement, animation, removable letters, lights. No sign or sign component shall be moving, animated, rotating or revolving. Further, no sign shall contain removable letters, except for signs associated with educational, religious, or municipal institutions, gas stations, or with movie theaters. In addition, light strips and strings of lights shall not be used for advertising or attracting attention to a sign when they do not comprise the text of the sign.
- H. Maintenance and quality of signs. All signs and components thereof shall be kept in good repair and in safe, neat and clean condition. All signs and related illumination shall be of a professional quality with respect to such matters as design, painting, lettering, materials and construction.
- I. Nonconforming signs. All signs that do not conform to the provisions of this chapter shall be subject to the requirements of §§ 230-53 and 230-54 herein.
- J. Projecting signs. Marquee signs are permitted for theaters only. For all projecting signs, there shall be at least an eight-foot clearance above pedestrian rights-of-way and at least a fourteen-foot clearance above vehicular rights-of-way for permitted signs projecting from buildings. Signs shall not project vertically above the roofline or parapet, or extend horizontally beyond the limits of the building.
- K. Temporary signs.
  - (1) Temporary signs are those which are displayed for short periods of time. Unless specified otherwise below, all temporary signs shall be limited in usage to a maximum of 45 days. Signs shall not be considered temporary if they are effectively displayed on an on-going basis, interrupted by short intervals when they are not displayed.
  - (2) The following types of temporary signs do not require a signage permit:
    - (a) "For Sale," "For Rent" or "Sold" signs. No more than two temporary signs, not exceeding six square feet in area each, are allowed for a single lot. One temporary sign, 16 square feet in area, is permitted for each real estate subdivision, set back at least 15 feet from the street line upon which the property is located. This signage usage shall be allowed beyond 45 days.
    - (b) Temporary construction signs. The architect, engineer and contractors shall each be allowed one sign not exceeding six square feet in area. Such signs shall be permitted during the entire course of construction, but shall be removed at the end of construction.
    - (c) Temporary signs pertaining to election campaigns. Such signs shall not be subject to the forty-five-day limitation in Subsection K(1) above, but shall be removed within 10 days after the Election Day.
    - (d) Temporary signs pertaining to garage sales, tag sales or other business activities which have a duration of seven calendar days or less.
    - (e) Temporary signs pertaining to events of civic, philanthropic, educational or religious institutions shall not be subject to the size limitation contained in Subsection K(4).
  - (3) Payment of a review fee in accordance with the village's schedule of fees shall accompany the application for signs which are subject to the issuance of a temporary sign permit.
  - (4) Except as provided in Subsections K(2)(a) through (e), temporary signs shall not exceed 16 square feet in area and shall not be illuminated.
  - (5) Temporary signs shall not have an adhesive backing and must be easily removable without residual markings.
  - (6) Temporary signs must also conform to all of the other provisions of this chapter, except with respect to being of a professional quality as required in Subsection H, above.

- L. Freestanding signs. No freestanding sign shall extend more than 10 feet from the ground to the top of the sign, except for a freestanding sign associated with a shopping center or a motor vehicle service station, which shall not extend more than 20 feet from the ground to the top of the sign.
- M. Prohibitions. The following types of signs and artificial lighting are prohibited:
  - (1) Billboards, except for those which are existing on the effective date of these regulations and which are associated with a site which is on the National Register of Historic Places.
  - (2) Signs that compete for attention with or may be mistaken for a traffic signal.
  - (3) Searchlights, beacons, blimps and permanent balloons.
  - (4) Signs attached to or painted on trucks or other large vehicles when the vehicle is obviously marked and parked in such a manner as to advertise or attract attention to an establishment or business.
  - (5) Banners, flags, strings of balloons, flags or lights, or similar outdoor advertising, except on a temporary basis with respect to the opening, reopening or remodeling of the business (that is, limited to a maximum duration of 45 days).
- N. Consistent signage. Where a building or site is permitted more than one sign by the provisions of this chapter, all new signs shall be consistent relative to one another in terms of size, general shape and, if building-mounted, location on the building (mounting height). Further, the Planning Board may require the submission of a master signage plan for the site, which shows said consistency.
- O. Window signs. The combination of permanent and temporary signage applied to or placed within two feet of the interior of any given window shall be considered part of the signage in accordance with the provisions of this chapter. Further, in no event shall permanent window signage exceed 25% of the window on or within which it is located. Merchandise for sale is not considered part of the signage for purposes of this item.
- P. District standards. The following signage shall be permitted within the districts listed below and shall be regulated therein, as follows. Said signage shall also conform to the provisions of Subsections A through O above, as qualified in Subsection B.
  - (1) One-Family Residence RA-40, RA-25, RA-9, RA-5 Districts; Two-Family Residence RB District; Multiple Residence RC District.
    - (a) With respect to nurseries and the seasonal sale of produce, signs shall conform to Subsection P(1)(e) below.
    - (b) With respect to funeral homes, there shall be no signs other than those permitted in Subsection P(1)(e) below.
    - (c) With respect to customary home occupations, no display of signage shall be visible from the street, except as set forth in Subsection P(1)(e) below.
    - (d) With respect to bed-and-breakfast establishments, one sign designating a bed-and-breakfast establishment shall be permitted, subject to the following conditions:
      - [1] The area of the sign shall not exceed two square feet.
      - [2] If freestanding, the overall height of the sign shall not exceed six feet as measured from finished grade to top of sign. NOTE: Refer to § 230-4, the definition of "building," and § 230-40A(1)(b) of this chapter.
      - [3] The sign shall not be internally illuminated.
      - [4] If externally illuminated, the illumination shall not exceed the equivalent of a one-hundred-watt bulb.
      - [5] If illuminated, the illumination shall be constant, shall be directed towards the sign and shall be shielded from the view of the street and neighboring properties.
    - (e) Signs conforming to the following shall be permitted as accessory uses:
      - [1] One nonilluminated nameplate or professional sign with an area of not over two square feet.

- [2] One externally illuminated bulletin board or other announcement sign for educational or religious institutions permitted in § 230-9A(4) of this chapter, with an area of not over 12 square feet.
- (2) Limited Office O-1 District. One nonilluminated sign facing a street and not exceeding an area of five square feet shall be permitted.
- (3) Limited Office O-2 District. One sign shall be permitted, provided that such sign is facing a street and as follows:
  - (a) The aggregate area, in square feet, shall be not greater than 1 1/2 times the length, in feet, of the wall on which it is placed.
  - (b) Such sign shall be parallel or perpendicular to the face of the building and no part thereof, including any illuminating devices, shall project more than 12 inches outward from the face of the wall to which it is applied for parallel signs and no more than 36 inches outward from the face of the wall to which it is applied for perpendicular signs.
- ~~(4) Limited Office O-3 District. The permitted signage shall be the same as permitted in a Limited Office O-1 District.~~
- (5) Central Commercial C-1 District.
  - (a) Signs, accessory to an establishment located on the same lot shall be permitted, provided that such signs shall be limited as set forth in Subsection P(5)(b) below and as follows:
    - [1] Not more than one such sign, excluding signs in windows, shall be permitted for each tenant on the premises on each facade which fronts on a street.
    - [2] The aggregate area, in square feet, of all signs on any wall shall be not greater than two times the length, in feet, of the wall on which it is placed.
    - [3] Such sign or signs shall be parallel or perpendicular to the face of the building and no part thereof, including any illuminating devices, shall project no more than 12 inches outward from the face of the wall to which it is applied for parallel signs and no more than 36 inches outward from the face of the wall to which it is applied for perpendicular signs.
    - [4] In addition, where the building is set back from the curbline a distance of 25 feet or more, not more than one freestanding sign with a total area on each face of not more than 40 square feet may be erected; provided, however, that the Zoning Board of Appeals may, in accordance with the procedure set forth in § 230-75B of this chapter, authorize the Village Engineer to issue a special permit for the erection or continuance of a freestanding sign with an area on each face not exceeding 40 square feet or such lesser area as the Zoning Board of Appeals may prescribe in instances where the building is set back from the curb or edge of traveled way less than 25 feet but 15 feet or more, subject to such conditions as the Board of Appeals may impose and with due regard to safety and other factors set forth in § 230-75B where the Board shall find that:
      - [a] The building in connection with which such sign is used or to be used was in existence on July 1, 1963, and has not after that date been altered to cause it to be closer to the curbline or edge of traveled way; and
      - [b] Other permitted signs are not, because of lack of visibility or other reason, adequate in the determination of the Zoning Board of Appeals and, for that or other reason, the Zoning Board of Appeals deems such sign to be necessary or desirable.
  - (b) Motor vehicle service stations.
    - [1] Unless otherwise required by law, signs shall be limited to one freestanding sign and one exterior sign on each wall of a building fronting on a street and shall otherwise conform to the conditions for accessory signs set forth in Subsection P(5)(a).

- [2] In connection with the sale of used cars or rental of vehicles at a service station. No temporary signs shall be permitted on the exterior of vehicles. Signs in the interior of vehicles shall be limited to one per vehicle, not to exceed 12 inches by 15 inches. Sign printing shall have characters not larger than one inch.
- (6) General Commercial C-2 District.
- (a) Accessory signs shall be as permitted in the Central Commercial C-1 District as set forth in Subsection P(5).
- (b) Drive-in theaters. In lieu of signs other than a sign permitted by Subsection P(5)(a)[4], a drive-in theater may have:
- [1] The name of the theater on a sign affixed to the theater screen structure on the reverse side of the screen; and
- [2] A supplementary sign on that same face announcing the feature attraction or attractions and containing other information customarily contained in theatrical announcements or the opening or closing date of the theater.
- (c) Motor vehicle sales and service agencies.
- [1] Unless otherwise required by law, signs shall be limited to one freestanding sign and one exterior sign on each wall of a building fronting on a street and shall otherwise conform to the conditions for accessory signs set forth in Subsection P(5)(a).
- [2] No temporary signs shall be permitted on the exterior of vehicles. Signs in the interior of vehicles shall be limited to one per vehicle, not to exceed 12 inches by 15 inches. Sign printing shall have characters not larger than one inch.
- (7) Light Industrial LI District.
- (a) Accessory signs. One sign shall be permitted facing each street from which access to the lot is provided. Such sign shall be applied onto the wall of the building and shall not exceed an area of 50 square feet or an area equal to 1 1/2 times the length, in feet, of the wall on which it is placed, whichever is less. All light sources shall be shielded from the view of adjacent lots and streets and shall, except for lights suitable for security purposes, be extinguished not later than 9:00 p.m. One identification sign at each point of access to the lot, with an area of not more than three square feet, shall also be permitted. A single directory sign, not exceeding eight feet in height, may be erected at the entrance of a complex of sites; each listing on such sign shall not exceed eight inches in height and two feet in length.
- (8) Waterfront Commercial WC District.
- (a) Accessory signs. One sign shall be permitted facing each street from which access to the lot is provided. Such sign shall be applied onto the wall of the building, if any, and such sign shall not exceed an area of 30 square feet or an area equal to 1 1/2 times the length, in feet, of the wall on which it is placed, whichever is less. If there is no building, one freestanding sign shall be permitted, no higher than 10 feet from the ground, no greater than 30 square feet in area, and no closer than 25 feet to the nearest lot line. All light sources shall be shielded from the view of adjacent lots and streets and shall, except for lights suitable for security purposes, be extinguished no later than normal business hours as determined by the Planning Board.
- (9) Waterfront Development WD District.
- (a) Offices and studios. Signs for professional offices and studios shall be subject to P(1)(e) of this chapter.
- (b) Other uses. For uses other than specified in P(9)(a) above, one sign shall be permitted facing each street from which access to the lot is provided. Such sign shall be applied onto the wall of a building, if any, shall not exceed an area of 24 square feet and shall not extend beyond said wall in any direction. If there is no building, one freestanding sign shall be permitted, shall be no higher than 10 feet above the ground, shall be no

- greater than 24 square feet in size and shall be no closer than 25 feet to the nearest lot line. All light sources shall be shielded from the view of adjacent lots and streets and shall, except for lights suitable for security purposes, be extinguished no later than normal business hours as determined by the Planning Board during the site development plan review process.
- (c) Directional, trail and project signs. Signage relating to vehicular, pedestrian and bicycle usage, traffic and parking shall be permitted, as shall an entry sign for the project itself. The locations, sizes, colors, materials and illumination of said signage shall be subject to the approval of the Planning Board as part of the site development plan review process.
  - (d) All signs. All signs shall meet the standards of § 230-44 of this chapter. Every effort shall be made to avoid the blockage of views in the placement of signage on the site.
- (10) Supplementary regulations for any parking spaces adjacent to residence districts. Identification and directional signs shall not exceed an area of three square feet each and shall be limited to such as are essential for the particular use.
- Q. Modification of requirements. Where the Planning Board finds that strict compliance with the requirements of § 230-44 would cause unusual hardship or difficulty because of the specific circumstances of a particular situation, the Board may modify the requirements of said section so long as the Board finds that the public interest will be protected, and that any such modification will be consistent with the spirit and intent of this chapter. In permitting any such modification, the Planning Board may attach such conditions as are, in its judgment, necessary to substantially secure the objectives of the requirement so modified.

***§ 230-45. Municipal buildings, structures and uses.***

The height and bulk limitations contained in Articles VI and VII of this chapter shall not apply to any municipal building, structure or use in connection with a municipal governmental function where there exists an engineering or other reason related to the particular site, building and use proposed in respect of which the opinion, in writing, of an independent engineer or expert shall have been obtained to the effect that the proposed building, structure or use will better serve its municipal function if it is carried out in a manner which is not in strict conformity with such height and bulk limitations; provided, however, that notwithstanding the nonapplicability of the height and bulk limitations in the circumstances set forth, any building, structure or use to which this section applies shall be authorized only by a resolution of the Board of Trustees which shall include:

- A. Findings of fact setting forth the engineering or other reason and the Board's determination to the effect above set forth.
- B. The Board's determination that the building, structure or use is for the purpose of carrying out a municipal governmental function.
- C. Referring to the opinion, in writing, of an independent engineer or expert with respect to the proposed building, structure or use and setting forth the substance of such opinion and the Board's determination that it complied with the foregoing provisions.
- D. The Board's determination that the proposed building, structure or use will be in general harmony with the general purposes and intent of this chapter. considered in the light of the overall health and welfare of the village and that it will not be detrimental to the public welfare.
- E. Prescribing such limitations and conditions with respect to the building. structure or use as the Board of Trustees may deem necessary or desirable.

**§ 230-46. Amusement games and devices. [Added 3-8-1982 by L.L. No. 3-1982]**

- A. No more than two amusement devices shall be maintained, exhibited or used in the same premises in any zoning district in the village at any one time.
- B. Subsection A above shall be inapplicable to any amusement device in existence at any premises within the village on January 1, 1982 provided that it remains at the same premises and to any substitute or replacement device of the same general character at the same premises.

**§ 230-47. Performance standards.**

- A. Restrictions on creation of dangerous and objectional elements. Every use subject to performance standards shall conform to the restrictions set forth in Subsections B and C below.
- B. Measurement at the point of emission. The existence of the following dangerous and objectionable elements shall be determined at the location of the use creating the same or at any point beyond, and these shall be limited as follows:
  - (1) Explosives. Activities involving the storage or manufacture of materials or products which decompose by detonation are prohibited, except for those under the jurisdiction of the Police Department. The list of materials or products which decompose by detonation, when in sufficient concentrations, includes but is not limited to the following:
    - Acetylides
    - Ammonium nitrates
    - Anhydrous hydrazine
    - Azides
    - Black powder
    - Blasting gelatin
    - Chlorates
    - Cyclonite or hexogene (cyclotrimethylenetrinitramine)
    - Dinitroresorcinol
    - Dinitrotoluene
    - Dinol
    - Dynamite
    - Fireworks
    - Fulminates
    - Greek fire
    - Guanidine nitrate
    - Gun cotton (cellulose nitrate with nitrogen content in excess of 12.2% or pyroxylin)
    - Hexamine (hexamethylenetetramine)
    - Nitroglycerin
    - Perchlorates (when mixed with carbonaceous materials)
    - Permanganates
    - Peroxides (except hydrogen peroxide in concentrations of 35% or less in aqueous solution)
    - PETN (pentaerythritol tetranitrate)
    - Petryl [2-(N,2,4,6 -- tetranitroaniline) ethanol nitrate]
    - Picric acid
    - Tetryl (N-methyl - N,2,4,6 - tetranitroaniline)
    - TNT (trinitrotoluene)
  - (2) Fire hazards. All activities involving and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and adequate fire-fighting and fire-suppression equipment and devices standards in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of other state and local laws and regulations shall also apply.

- (3) Radioactivity or electrical disturbance. No activities shall be permitted which emit dangerous radioactivity at any point. No activities shall be permitted which produce electrical and/or electromagnetic disturbances, except from domestic household appliances and from communications equipment subject to control of the Federal Communications Commission or appropriate federal agencies which adversely affect the operation at any point of any equipment other than that of the creator of such disturbance.
  - (4) Smoke. No emission shall be permitted any point from any chimney or otherwise of visible gray smoke of a shade darker than No. 1 on the Ringlemann Smoke Chart as published by the United States Bureau of Mines. (Power's Micro-Ringlemann Chart, McGraw-Hill Publishing Company, 1954, may be used.) This provision, applicable to visible gray smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.
  - (5) Other forms of air pollution. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals or vegetation or to other forms of property or which can cause any excessive soiling of any paint; and in no event shall any emission of any solid or liquid particles in concentrations exceeding 0.3 grains per (standard) cubic foot of the conveying gas or air at any point be permitted. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500° F. and 50% excess air.
  - (6) Liquid or solid wastes. No discharge shall be permitted at any point into any private sewage disposal system or stream or into the ground of any materials in such a way or of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the State Department of Health, Water Pollution Control Board or County Health Department. No accumulation of solid wastes conducive to the breeding of rodents or insects shall be permitted.
- C. Measurement at the lot line. The existence of the following dangerous and objectionable elements shall be determined at the lot line of the use creating the same or at any point beyond said lot line, and these shall be limited as follows:
- (1) Noise. At the specified points of measurement the sound-pressure level of noise radiated continuously from a facility at nighttime shall not exceed the values for octave bands lying within the several frequency limits given in Table I after applying the corrections shown in Table II. The sound-pressure level shall be measured with a sound level meter and an octave band analyzer conforming to specifications prescribed by the American Standards Association, Inc., New York, New York (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944, American Standards Association, Inc., New York, New York, and American Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, New York, shall be used.)

**TABLE I**

**Maximum Permissible Sound-Pressure Levels at Specified Points of Measurement for Noise Radiated Continuously From a Facility Between the Hours of 7:00 p.m. and 7:00 a.m.**

<b>Frequency Ranges Containing Standard Octave Bands (cycles per second)</b>	<b>Octave Band Sound Pressure Level (decibels re 0.0002 dyne/cm)</b>
20 - 75	67
75 - 150	66
150 - 300	61
300 - 600	54
600 - 1,200	47
1,200 - 2,400	39
2,400 - 4,800	29
4,800 - 10,000	20

If the noise is not smooth and continuous and/or is not radiated between the hours of 7:00 p.m. and 7:00 a.m., one or more of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given above in Table I.

**TABLE II**

<b>Type of Operation or Character of Noise</b>	<b>Correction (decibels)</b>
<b>Daytime operation only</b>	<b>+5</b>
<b>Noise source operates less than 20% of any one-hour period</b>	<b>+5*</b>
<b>Noise source operates less than 5% of any one-hour period</b>	<b>+10*</b>
<b>Noise of impulsive character (hammering, etc.)</b>	<b>-5</b>
<b>Noise of periodic character (hum, screech, etc.)</b>	<b>-5</b>

\*NOTE: Apply one of these corrections only.

- (2) Vibration. No vibration shall be permitted which is discernible to the human sense of feeling for three minutes or more duration in any one hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of 30 seconds or more duration in any one hour between the hours of 7:00 p.m. and 7:00 a.m. No vibration at any time shall produce an acceleration of more than 0.1 g or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, Seismic Effects of Quarry Blasting, on any nearby structure. The methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of this subsection.
- (3) Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the specified points of measurement. Any process which may involve the creation or emission of any odor shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should

fail. There is hereby established, as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5, Air Pollution Abatement Manual, Copyright 1951, by Manufacturing Chemists' Association, Inc., Washington, D.C.

- (4) Glare. No direct or sky-reflected glare shall be permitted, whether from floodlights or from high-temperature processes, such as combustion or welding or otherwise, so as to be visible at the specified points of measurement. This restriction shall not apply to signs otherwise permitted by the regulations.
- D. Elimination of nonconformities. Within 12 months after December 31, 1972, all existing uses, buildings or other structures shall comply with the applicable performance standards herein set forth; provided, however, that if the Board of Appeals finds that because of the nature of the corrective action required, the twelve-month period is inadequate, it may, as a special permit, grant not more than one extension for a period of not more than six months. All new uses, buildings or other structures shall comply with the applicable performance standards when put into operation.

***§ 230-48. Dish antennas. [Added 12-16-1985 by L.L. No. 11-1985; amended 5-7-1990 by L.L. No. 2-1990; 8-3-1992 by L.L. No. 8-1992]***

- A. ~~The purpose of regulating dish antennas is to protect and safeguard the aesthetic values of the immediate neighborhood in which a dish antenna is located. By reason of their size and material, dish antennas are likely to introduce a jarring, unaesthetic element unless located on the ground rather than on rooftops and placed so as to minimize their visibility from public thoroughfares and neighboring properties.~~
- B. ~~Dish antennas are permitted subject to the following procedures and conditions:~~
  - (1) ~~There shall be a maximum of one dish antenna per commercial building or residential structure.~~
  - (2) ~~The dish antenna shall be erected on a secure ground-mounted foundation and must be screened from the street and adjoining property owners with foliage or landscaped screening of such height and density so as to screen said antenna from the street and adjoining property owners during the entire year.~~
  - (3) ~~The dish antenna shall not be located on any trailer or portable device.~~
  - (4) ~~The dish antenna shall be located in rear yards only and shall be an accessory structure requiring compliance with all minimum yard requirements. When a backyard is not accessible or does not meet building specifications and a side yard permits compliance with all minimum yard requirements, a dish antenna may be located there.~~
  - (5) ~~The dish antenna shall not be connected to or placed upon any roof, and no point or part of the antenna shall be elevated to or reach a height of more than 15 feet above the natural grade of the subject premises. The natural grade shall not be changed by any means in order to increase the elevation of the dish antenna.~~
  - (6) ~~The materials used in the construction of a dish antenna shall not be unnecessarily bright, shiny, garish or reflective.~~
- C. ~~Notwithstanding anything otherwise provided in § 230-48B, the Village Engineer shall be empowered to permit the installation of a dish antenna in a location otherwise prohibited and without prescribed screening if conformity to the provisions of § 230-48B would interfere with the reception of satellite signals. In allowing placement of a dish antenna in a location otherwise prohibited, the Village Engineer shall designate a location that adversely affects to the minimum extent possible the aesthetic objective of this section while providing the property owner unimpeded access to satellite signals.~~

## ARTICLE XI: SITE PLAN APPROVAL

### § 230-66. General procedure.<sup>14</sup>

In all cases where this chapter requires approval of site plans by the Planning Board, such site plans shall be submitted to said Board by the Village Engineer, and no building permit shall be issued by him or her except in conformity with the approved site plans.

### § 230-67. Uses and actions subject to site plan approval and minor site plan approval.

#### A. Site plan approval by the Planning Board shall be required in all districts for the following uses and actions:

- 1) Any new construction and enlargement of a building, with the exception of new construction or enlargement of a residential building (see §230-67B). ~~or structure.~~ The construction of residential decks and patios, walkways and gardens is not subject to site plan review.
- 2) A change of use in which a change of building footprint is also proposed.
- 3) Proposed new roads and driveways, and changes to existing roads and driveways.

#### B. Minor site plan approval shall be required in all districts for:

- 1) Any new construction of a residential building. The construction of residential decks and patios, walkways and gardens is not subject to site plan review.
- 2) Any enlargement of a single-family or two-family home that brings the total habitable floor area to 80% or more of the maximum permitted habitable floor area. The maximum habitable floor area is calculated by multiplying the maximum FAR in that zoning district by the lot size. Structures accessory to a single-family or two-family home, such as garages, are subject to minor site plan review as well.
- 3) Any proposed clearing of vegetation or earthwork on any property involving twenty-five percent (25%) or more of the site.
- 4) Any change of use where no change to the building footprint or site is proposed.

#### C. Routine maintenance and investment such as repainting, reroofing, and resurfacing/residing and window replacement shall be excluded from site plan review and minor site plan review.

### § 230-68. Presubmission.

A. Site Plan Review. Prior to the submission of a formal site development plan, the applicant should meet in person with the Planning Board and/or its designated representative to discuss the proposed site development plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Board's attitude and requirements in matters relating to site development.

B. Minor Site Plan Review. For minor site plan review, the applicant shall submit the proposed building or clearing plan to the Village Engineer. Based on the proposed plan, the Village Engineer shall determine which of the criteria listed in §230-69D shall be included on the site plan. The completed site plan shall then be submitted for review in accordance with §§230-69A and B of this article.

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<sup>14</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I

**§ 230-69. Required submissions.**

- A. At least 15 days in advance of the Planning Board meeting at which a site development plan or an amendment of it ***or a minor site plan*** is to be presented, 10 copies of the site development plan and the information enumerated below must be submitted to the Village Engineer, along with a letter of application, if requested.<sup>15</sup>
- B. In addition, the application shall be accompanied by a fee in an amount set by resolution of the Board of Trustees.<sup>16</sup> In the event that an application for site plan development is not approved, the applicant shall be entitled to a refund of 50% of the fee paid. Once approval has been given of a site plan, no refund shall be made regardless of whether the project is ever completed.<sup>17</sup>
- C. The foregoing schedule of fees and provisions relating to refund of fees shall also be applicable to applications for approval of subdivision plats.
- D. The information to be submitted and which, in total, constitutes a site development plan shall be as follows:
  - 1) Legal data.
    - a) The names of all owners of record of all adjacent property and the lot, block and section number of the property.
    - b) Existing zoning district boundaries.
    - c) Boundaries of the property: building or setback lines and lines of existing streets, lots, reservations, easements and areas dedicated to public use. All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest 10 seconds or closer if deemed necessary by the surveyor. The error of closure shall not exceed 1:10,000.
    - d) A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.
  - 2) Existing buildings and facilities.
    - a) The location of existing buildings.
    - b) The location of existing water mains, culverts and drains on the property with pipe sizes, grades and direction of flow.
  - 3) Topographic data.
    - a) Existing contours with intervals of five feet or less, referred to a datum satisfactory to the Board.
    - b) The location of existing watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more, measured three feet above the base of the trunk, and other significant existing features.

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<sup>15</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I

<sup>3</sup> Editor's Note: The current fee resolution is on file in the office of the Village Clerk.

<sup>4</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I

- 4) Development data.
  - a) The title of development, date, North point, scale and name and address of record owner, engineer, architect, land planner or surveyor preparing the site development plan.
  - b) The proposed use or uses of land and buildings and proposed location or locations of buildings, including proposed grades.
  - c) All proposed lots, easements and public and community areas. All proposed streets with profiles indicating grading and cross sections showing width of the roadway, location and width of the sidewalk and locations and size of utility lines. All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest 10 seconds or closer if deemed necessary by the surveyor. The error of closure shall not exceed 1:10,000.
  - d) All means of vehicular access and egress to and from the site onto public streets.
  - e) The location and design of any off-street parking areas or loading areas.
  - f) The location of all proposed waterlines, valves and hydrants and of all sewer lines with profiles, indicating connections with existing lines or alternative means of water supply or sewage disposal and treatment.
  - g) The proposed location, direction, power and time of proposed outdoor lighting by means of data, details and an illumination contour plan which shows that lighting equal to or greater than 1/2 foot candle will not splay off-site. [Amended 3-19-2001 by L.L. No. 3-2001]
  - h) The proposed screening where deemed necessary by the Board.
  - i) The proposed stormwater drainage system.
  - j) The location, either existing or proposed, of tents, ramada structures, inflatable structures and similar structures or facilities, which are erected or intended to be erected for more than 30 days within any one-year period, all of which are deemed structures or facilities that must be shown on any required site plan. [Added 4-22-2002 by L.L. No. 2-2002]

5) **Architectural Features.**

- a) **Purpose. To improve the overall visual and built quality in the village, encourage quality exterior building design, and to encourage buildings that are appropriate in design and scale to the site and surrounding area, the Planning Board shall also consider architectural features in its review of site development plans and minor site plans.**
- b) **Required submissions. In addition to the materials listed in §230-69D-1) – 4), the applicant shall be required to submit the following materials to the Planning Board in order to demonstrate the design context within which a development is proposed.**
  - (1) **A photographic montage or appropriate drawings of the proposed development and its accompanying street district. The montage or drawings shall show the proposed building and all buildings within a 200 foot radius of the proposed building on both sides of the street. If the building is within 200 feet of a corner, the montage or drawings shall include the corner and that part of the adjacent block within the 200 foot radius of the proposed building.**
  - (2) **Scaled Building elevations.**
  - (3) **Narrative description of proposed exterior building materials and treatments.**

**§ 230-70. Review by Planning Board.**

- A. The Planning Board shall review the site plans or any amendment of such plans in the same manner as is prescribed by state law for the review of subdivision plats,<sup>18</sup> with public notice for hearing to be identical to those required by § 230-76A for the Board of Appeals. [Amended 5-7-1990 by L.L. No. 2-1990]. **For minor site plan review, the public notice and public hearing provisions of §230-76A are not required. The Planning Board may approve minor site plans in one meeting if the Board determines that the applications meet the approval criteria. A public hearing shall not be required for minor site plan approval.**
- B. In considering and approving the site development plan, the Planning Board shall take into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular and shall make any appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter and particularly with regard to **satisfactorily** achieving **the criteria listed below.**
- 1) Maximum safety of traffic access and egress.
  - 2) A site layout, including the location, character and appearance of any proposed building, group of buildings or sign location with the power, direction and time of any outdoor lighting of the site, which would have no adverse effect upon any properties in adjoining residence districts by impairing the established character or the potential use of properties in such districts.
  - 3) The reasonable screening, at all seasons of the year, of all playgrounds and parking and service areas from the view of adjacent residential properties and streets.
  - 4) Conformance of the proposed site development plan with such portions of the Master Plan of the Village of Croton-on-Hudson as may be in existence from time to time.
  - 5) In applicable cases, a drainage system and layout which would afford the best solution to any drainage problems.
  - 6) In specific cases where the Planning Board finds that the maximum setback distances from the front, side or rear lot lines fail to maintain adequately the residential characteristics of surrounding residential properties, if any, it may require that such distances be increased, but in no case may it reduce said minimum setbacks.
  - 7) Location, arrangement, appearance and sufficiency of the off-street parking and loading. [Added 8-3-1992 by L.L. No. 7-1992]
  - 8) Adequacy of water supply and sewage disposal facilities. [Added 8-3-1992 by L.L. No. 7-1992]
  - 9) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants. [Added 8-3-1992 by L.L. No. 7-1992]
  - 10) Safe, adequate and convenient pedestrian access and circulation both within the site and to adjacent streets. [Added 8-3-1992 by L.L. No. 7-1992]
  - 11) The preservation of scenic views and vistas, **consistent with reasonable use of property**, particularly to the Hudson and Croton Rivers. [Added 8-3-1992 by L.L. No. 7-1992]
  - 12) **Quality of architectural features. The following criteria are intended to provide a framework within which the Planning Board may judge the appropriateness of the project to the neighborhood context and, for renovations, to assess the compatibility**

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<sup>18</sup> Editor's Note: See Art. 7 of the Village Law

of the proposed addition with the existing exterior building. The criteria are also designed to enable the designer of the project to exercise creativity and innovation.

- i. Site development: the orientation, setback, alignment, spacing and placement of all buildings, and structures.
- ii. Building design:
  - (1) Scale and proportion: the height, width, bulk and general proportions of the development, the ratio of wall surface to openings, and the ratio of the width and height of windows and doors.
  - (2) Setback and orientation: the setback of the building, accessory structures, and retaining walls, and the orientation of the proposed building to the setbacks on the lot, as well as to the setbacks of proximate buildings and the common street setback.
  - (3) Directional expression: the vertical, horizontal, or non-directional façade character of the proposed building or addition, and its relationship to the existing building and/or proximate structures.
  - (4) Windows and doors: the pattern of placement and proportions of windows and doors, and their relationship with that of the existing building and other structures in the 200-foot vicinity of the building.
  - (5) Roof form: roof form should be in proportion to the structure and should relate to the materials and construction of the existing building and structures in the 200-foot vicinity.
  - (6) Features and details: balconies, decks, covered porches, bracketed eaves, columns, balustrades, towers, turrets, skylights, and arches should be in proportion to each other.
  - (7) Wall materials: walls should be constructed of natural materials such as masonry, stone, or wood, or of synthetic materials that are selected for harmony with natural materials.
  - (8) Lighting: all lighting should be appropriate to the building and its surroundings in terms of style, scale, and intensity of illumination. Low wattage systems are preferred. Site lighting should be shielded to prevent glare or spillage onto adjoining properties.
  - (9) Diversity of design. The designs for proposed new buildings should avoid:
    - i. Overly repetitive use of identical architectural features such as façade openings, cornice lines, etc.
    - ii. Overly similar treatment of building elevations.
    - iii. Excessive identical replication of the architectural style or treatment existing in surrounding buildings.

#### **§ 230-71. Variations or waivers.**

Variations or waiver of the general requirements outlined above may be permitted by the Board when, in its judgment, special factors warrant such variations or waiver.

#### **§ 230-72. Maintenance of on-site improvements.**

- A. It shall be the duty of each owner of property within the Village of Croton-on-Hudson, for which property site plan approval under this Article has been granted, to erect, maintain, repair and replace all on-site landscaping, screening, paving and any other similar improvements required contingent to such site plan approval. Single-family and two-family homes are exempt from this requirement but are subject to the requirements of Chapter 179.

**Property Maintenance, of the Village Code and the Property Maintenance Code of New York State.**

- B. Notice of violation. Whenever the Village Engineer of the Village of Croton-on-Hudson determines that such on-site improvements are not being properly erected, maintained, repaired or replaced as required by Subsection A above, he shall include such determination in a notice of violation to be sent by the Village Engineer by registered or certified mail addressed to the owner of record of such land at the address shown on the last preceding assessment roll of the village, which notice shall direct the owner to remove the violation within 30 days of mailing of the notice. The notice of violation shall specify the manner in which the on-site improvements do not comply with requirements, the correction that is required to be made and a statement that, in the event that the owner fails to comply within such 30 days, the Board of Trustees may direct the Department of Public Works to erect, replace, repair or maintain such on-site improvements and provide for the assessment of all costs and expenses so incurred by the village, in connection with any action taken by the village, to be placed as a lien against the property and included in the following year's village tax levied on the property. [Amended 5-7-1990 by L.L. No. 2-1990]
- C. Enforcement of violation notice. Whenever the notice of violation has not been complied with within the thirty-day period after mailing of the same, the Board of Trustees shall, by resolution, direct the Department of Public Works to erect, repair, replace or maintain such on-site improvements in the manner specified in the notice of violation and to assess the costs and expenses of the same as a lien against the property as provided in Subsection B.
- D. Recovery of expenses. The costs and expenses incurred pursuant to Subsection C shall be paid by the owner of record of the property as shown on the last preceding assessment roll of the village. The Department of Public Works shall file among its records an affidavit stating with fairness and accuracy the items of cost and expense incurred and the date of execution of actions authorized by the Board of Trustees. The Receiver of Taxes and appropriate village officials shall incorporate all such costs and expenses as a lien against the property by including the same in the following year's village tax levied on the property unless said costs and expenses have been paid in full prior to preparation and mailing of the tax notice.

***§ 230-73. Parks and playground sites. [Added 3-2-1987 by L.L. No. 2-1987; amended 8-3-1992 by L.L. No. 9-1992]***

- A. In all cases where this chapter requires approval by the Planning Board of any site plan development that includes residential units, the regulations adopted by the Village Board of Trustees applicable to subdivisions regarding provision for parks for playground or other recreation purposes, or money in lieu thereof shall apply.<sup>19</sup> Where money in lieu of recreation land is accepted, the amount shall be calculated based on the per-dwelling-unit fee then in effect for a subdivision in an RA District.
- B. This section shall not apply to property which formed part of a subdivision that was itself approved on condition that land or money be set aside for parks, playground or other recreational purposes.

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<sup>19</sup> Editor's Note: See Ch. 200, Subdivision of Land, §200-3.

***§ 230-74. Plan amendments for dish antennas. [Added 12-16-1985 by L.L. No. 11-1985]***

In all cases where site plan approval is required under this chapter, the installation of a dish antenna ***in excess of thirty-six inches (36") in diameter*** shall be deemed an amendment to the site plan or an action requiring a site plan if none has heretofore been approved and shall require submission to and approval by the Planning Board.

## ARTICLE XII: PLANNING BOARD

*[History: Adopted by the Board of Trustees of the Village of Croton-on-Hudson 12-16-74 by resolution. Amendments noted where applicable.]*

### General References

Subdivision of land – See Ch. 200

#### §230-75. Composition, terms, compensation, vacancies

1. Composition. The Planning Board shall consist of five (5) members to be appointed by the Mayor with the consent of the Board of Trustees. All Planning Board members shall be Croton-on-Hudson residents.
2. Terms. The term of each member shall be five years, with eligibility for reappointment by the mayor with consent of the Board of Trustees. Planning Board terms shall commence with the first day of the official village year. Full terms filled for the first time shall be so fixed for five or less years and arranged so that, to the greatest practicable extent, the expiration of terms will be distributed evenly over the first five years after the initial appointments. If a vacancy shall occur, it shall be filled by appointment as above provided for the unexpired term only. Members shall serve after the expiration of their terms until their successors shall have been appointed and qualified.
3. Compensation. Planning Board members shall serve without salary.
4. Ineligibility. No member of the Village Board of Trustees shall be eligible for membership on the Planning Board. No Planning Board member shall be permitted to act on any matter in which he or she has a direct or indirect personal or financial interest.
5. Vacancy in office. If a vacancy occurs other than by expiration of term, the mayor shall appoint the new member for the unexpired term.

#### §230-76. Officers, counsel, staff

- a. Chairperson. The chair of the Planning Board shall be appointed from among the members by the mayor with the consent of the Board of Trustees.
- b. The Planning Board is authorized, by the consent of the Board of Trustees, to employ or contract for experts, staff and services as it deems necessary.

#### §230-77. Administration and Procedure

1. Meetings. The Planning Board shall hold regular meetings at times and places fixed by its rules. Regular meetings shall be scheduled for not less than once a month and shall be open to the public. Notice of meetings shall be announced in a manner reasonably accessible to the public.
2. Voting requirements. All motions and resolutions of the Planning Board shall require the affirmative vote of a majority of all Planning Board members for adoption. Where an action is the subject of a referral to the county planning agency, the voting provisions of §§239-m and 239-n of the General Municipal Law shall apply.
3. Applications for development, hearing on applications. Applications for subdivision and site plan review shall be submitted to the Planning Board in accordance with the regulations set forth in Chapter 200, Subdivision of Land, of Croton's Municipal Code, and Article XI, Site Plan Approval, of Croton's Zoning Code. Hearings on development applications shall be held in accordance with the regulations set forth in Chapter 200, Subdivision of Land, and Article XI, Site Plan Approval.

**§230-78. Powers and Duties**

**1. *Subdivision review, Authority to approve plats.***

For the purpose of providing for the future growth and development of the village and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population, the Board of Trustees of the Village of Croton-on-Hudson, New York, hereby authorizes the Planning Board of the village to approve **preliminary and final** plats showing lots, blocks and sites, with or without streets or highways, and to approve conditionally preliminary plats,<sup>20</sup> all as defined and set forth in § 7-728 of the Village Law of the State of New York **and as regulated by Chapter 200, Subdivision of Land, of the Village Code.**

**2. *Approval of previously filed prefiled plats.***

For the same purposes and under the same conditions, the Board of Trustees hereby authorizes and empowers the Planning Board to approve the development of plats entirely or partially underdeveloped which have been filed in the office of the Clerk of Westchester County prior to the appointment of the Planning Board and the grant to it of the power to approve plats.

**3. *Site Plan Approval.***

In all cases where site plan approval by the Planning Board is required by Chapter 230, Zoning, the authority for final action on the approval of such site plan is delegated to the Planning Board, and any building or use permit for the development of such land shall only be issued subject to compliance with such approved site plan and any restrictions imposed in relation thereto by the Planning Board, and any certificate of occupancy or compliance shall only be issued subject to continued compliance with such site plan and restrictions imposed in relation thereto by the Planning Board. This resolution is adopted pursuant to Chapter 788 of the 1974 Session Laws of the State of New York<sup>21</sup> and is intended to confer upon the Planning Board the full powers authorized by said chapter and to ratify and confirm any conferral of such powers previously given.

**4. *Architectural Review***

**To improve the overall visual and built quality in the village, encourage high quality exterior building design, and to encourage buildings that are appropriate in design and scale to the site and surrounding area, the Planning Board is authorized by the Board of Trustees to consider exterior architectural features in its review of site plans for new commercial and office development projects, new single-family and multi-family residential construction, and major residential renovations. The procedure and criteria for architectural review are set forth in Article XI: Site Plan Approval, of this chapter.**

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<sup>20</sup> Editor's Note: see also Ch. 200, Subdivision of Land.

<sup>21</sup> Editors Note: See § 236 of the General Municipal Law.

## ARTICLE XIII: BOARD OF APPEALS

### § 230-79. Definitions.

As used in this article, the following terms shall be defined as indicated:

AREA VARIANCE: the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

USE VARIANCE: the authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

### **§230-80. Creation and composition. [Amended 5-7-1990 by L.L. No. 2-1990]**

There shall be a Board of Appeals of five (5) members pursuant to the provisions of the Village Law.<sup>22</sup> The members of the Board of Appeals as constituted immediately prior to the adoption of this chapter shall continue in office for their unexpired terms and shall be reelected or replaced in accordance with the provisions of the Village Law.

### **§ 230-81. Powers and duties.**

The Board of Appeals shall have all the powers and duties prescribed by law and by this chapter, which are more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of said Board that is conferred by law:

A. Interpretation. On appeal from an order, requirement, decision or determination made by an administrative official or on request by any official, board or agency of the village, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination made by the administrative official charged with the enforcement of such local law and may decide any of the following questions:

- 1) Determination of the meaning of any portion of the text of this chapter or of any condition or requirement specified or made under the provisions of this chapter.
- 2) Determination of the exact location of any district boundary shown on the Zoning Map.

B. Special Permits. The Board of Appeals shall have the power to grant special permits for commercial district signage, as set out in §230-44P(5)[4] and for excavation, fill and topsoil removal, as set forth in Chapter 120 of the Municipal Code, Excavation, Filling, Topsoil. On

application and after public notice and hearing, the Board of Appeals shall authorize the issuance by the Village Engineer of special permits for any of the uses for which this chapter requires, in the district in which such use is proposed to be located, the granting of such permits by the Board of Appeals. In authorizing the issuance of a special permit, the Board shall take into consideration the public health, safety and welfare and shall prescribe appropriate conditions and safeguards to ensure the accomplishment of the following objectives:

- 1) All proposed structures, equipment or material shall be readily accessible for fire and police protection.
- 2) The proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly

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<sup>22</sup> Editor's Note: See § 7-712 of the Village Law.

development of adjacent properties in accordance with the zoning classification of such properties.

- 3) In addition to the above, in the case of any use located in or directly adjacent to a residential district:
  - a. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with said residential districts or conflict with the normal traffic of the neighborhood.
  - b. The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- 4) In authorizing the issuance of a special permit, it shall be the duty of the Board to attach such conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the general objectives of this chapter. The Board may require that special permits be periodically renewed. Such renewal shall be granted following due public notice and hearing and may be withheld only upon a determination by the Village Engineer to the effect that such conditions as may have been prescribed by the Board in conjunction with the issuance of the original permit have not been or are being no longer complied with. In such cases a period of sixty (60) days shall be granted the applicant for full compliance prior to the revocation of said permit. Any use for which a special permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:
  - a. The provision in this chapter under which such permit was issued is still in effect.
  - b. Such permit was issued in conformity with the provisions of this chapter.
  - c. Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

**C. Use Variances.**

- 1) **Use Variances. The Board of Appeals is empowered to grant use variances as defined in § 230-74 of this article.**
- 2) **No use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, the following four (4) criteria are satisfied:**
  - a. **The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;**
  - b. **That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;**
  - c. **That the requested use variance, if granted, will not alter the essential character of the neighborhood; and**
  - d. **That the alleged hardship has not been self-created.**

- 3) *The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.*

**D. Area Variances**

- 1) *Area Variances. The Board of Appeals is empowered to grant area variances as defined in § 230-74 of this article.*
- 2) *In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such a grant. The Board of Appeals shall also consider:*
  - a. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance;*
  - b. *Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;*
  - c. *Whether the requested area variance is substantial;*
  - d. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and*
  - e. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.*

~~3) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to exceptional and extraordinary circumstances, there are practical difficulties or unnecessary hardships in the way of carrying out of the strict letter of this chapter, subject to terms and conditions to be fixed by the Board; provided, however, that no such variance shall be granted unless the Board finds that:~~

- ~~a. There are physical conditions, fully described in the findings of the Board, applying to the land or building for which the variance is sought, which conditions are peculiar to such land or building and have not resulted from any act of the applicant or any predecessor in title;~~
- ~~b. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building and the granting of the variance is necessary for the reasonable use of the land or building and that the variance, as granted by the Board, is the minimum variance that will accomplish this purpose; and~~
- ~~c. The granting of the variance under such conditions as the Board may deem necessary or desirable to apply thereto will be in harmony with the general purpose and intent of this chapter, will not represent a radical departure therefrom, will not be injurious to the neighborhood, will not change the character thereof and will not be otherwise detrimental to the public welfare.~~

**E. Additional Conditions for Use and Area Variances.**

- 1) The needs or desires of a particular owner or tenant or of a particular prospective owner or tenant shall not, either alone or in conjunction with other factors, afford any basis for the granting of a variance. The fact that the improvements already existing at the time of the application are old, obsolete, outmoded or in disrepair or the fact that the property is then unimproved shall not be deemed to make the plight of the property unique or to contribute thereto.
- 2) Where the Board **of Appeals** finds the zoning classification of a particular property to be conducive to the deprivation of the reasonable use of the land or building by the owner thereof and where the Board **of Appeals** deems the same condition to apply generally to other land or buildings in the same neighborhood or district, said Board may call this condition to the attention of the Board of Trustees.
- 3) In all cases where the Board of Appeals grants a variance from the strict application of the requirements of this chapter, it shall be the duty of such Board to attach conditions and safeguards as may be required in order that the result of its action may be as nearly as possible in accordance with the spirit and intent of this chapter.

**§ 230-82. Filing and Appeal of Administrative Decisions.**

- A. **Filing of administrative decisions. Each order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of the local zoning law shall be filed in the office of such administrative official within five (5) business days from the day it is rendered and made a public record.**
- B. **Appeal of administrative decisions. Appeals shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the administrative official by filing with the administrative official and with the Board of Appeals a notice of appeal specifying the grounds of appeal and relief sought. The administrative official shall transmit to the Board of Appeals all papers constituting the record upon which the appealed action was taken.**
- C. **Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official certifies to the Board of Appeals after notice of appeal has been filed with said official that a stay would cause imminent peril to life or property, in which case proceedings shall not be appealed other than by a restraining order which may be granted by the Board of Appeals or by a court of record on application.**

**§230-83. Board of Appeals procedure.**

The powers and duties of the Board of Appeals shall be exercised in accordance with the following procedures:

- A. **Meetings, minutes, records. Meetings of the Board of Appeals shall be open to the public to the extent provided in Article 7 of the Public Officers Law. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent and failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.**
- B. **Notice of Hearing, property owners.** The Board of Appeals shall not grant any appeal for a variance or issue any special or temporary permit without first holding a public hearing, notice of which hearing and of the substance of the appeal or application shall be given by publication in the official newspaper of the village at least ten (10) days before that date of such hearing. In addition to such published notice, the Board of Appeals shall cause notice to be given of the substance of every appeal for a variance and of every application

for a special permit, together with notice of the hearing thereon by causing notices thereof to be mailed by postal card or other means at least ten (10) days before the day of said hearing to the owners of all property abutting that held by the applicant in the immediate area, whether or not involved in such appeal or application, and all other owners within two hundred (200) feet, or such additional distances as the Board of Appeals may deem advisable, from the exterior boundaries of the land involved in such appeal or application, as the names of said owners appear on the last completed assessment roll of the village. Any or all of the notices required by this section shall be issued by the office of the Village Clerk on order of the Board of Appeals or upon order of the Chairman of said Board if the appeal or application is received when the Board is not in session and the Chairman deems it necessary or desirable to expedite the public hearing on such appeal or application. Provided that due notice shall have been published as above provided and that there shall have been substantial compliance with the remaining provisions of this subsection the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Board of Appeals in connection with the granting of any appeal or variance or issuance of any special or temporary permit pursuant thereto.

- C. **Notice of Hearing, Westchester County and regional councils.** Ten (10) days' notice by mail shall be given in accordance with the provisions of §§277.61 and 277.62 of the Westchester County Administrative Code, as such sections may from time to time be amended or superseded, in all cases where notice is required thereby. **If applicable, the Board of Appeals shall mail notices of the hearing at least five (5) days before the hearing to the state park commission having jurisdiction over any state park or parkway within five hundred (500) feet of the property affected by the appeal. The notice shall be accompanied by a full statement of the proposed action, as defined in §239-m of the General Municipal Law.**
- D. **Notice of Hearing, Planning Board.** At least ten (10) days before the date of any public hearing, the Secretary of the Board of Appeals shall transmit to the Secretary of the Planning Board a copy of any appeal or application, together with a copy of the notice of such hearing. The Planning Board may submit to the Board of Appeals an advisory opinion on said appeal or application at any time prior to the public hearing.
- E. Unless work is commended and diligently prosecuted within one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void.
- F. **Application Requirements, Forms and Fees.** All appeals and applications made to the Board of Appeals shall be in writing and on forms prescribed by the Board and approved by the Planning Board. Ten (10) copies of the application and supporting documentation shall be submitted **by the applicant**, accompanied by a fee in an amount set from time to time by resolution of the Board of Trustees.<sup>23</sup> The Board of Appeals may, in its discretion, return to the applicant part or all of the fee paid by him or her in the event that his or her appeal under § 230-75A, Interpretation, hereof is partially or wholly successful. The fees filed in connection with applications under § 230-75B, Special Permits, or-§ 230-75**B and C, Use and Area** Variances, shall not be returnable regardless of disposition of the case by the Board of Appeals.<sup>24</sup>
- G. **Application Requirement, Content of Submission.** Each appeal or application shall fully set forth the circumstances of the case. Each application for a special permit shall be accompanied by a proposed plan showing the size and location of the lot, a site plan showing the location of all buildings and proposed facilities, including access drives, parking areas, landscaping and all streets within two hundred (200) feet.—Every appeal or

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<sup>23</sup> Editor's Note: The current fee resolution is on file in the office of the Village Clerk.

<sup>24</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

application shall refer to the specific provision of this chapter and shall exactly set forth, as the case may be, the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted or the use for which the special permit is sought.

- H. Timeframe of decision. The Board of Appeals shall decide upon the appeal within sixty-two (62) days after the hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the board.**
- I. Recording and filing of decisions.
- 1) Every decision of the Board of Appeals shall be recorded in accordance with standard forms adopted by the Board and shall fully set forth the circumstances of the case and shall contain a full record of the findings on which the decision is based. Every decision of the resolution **shall be filed in the office of the village clerk within five (5) business days. The decision** shall be filed by case number, together with all documents, pertaining thereto, under one (1) of the following headings:
    - a. Interpretation,
    - b. Special permits.
    - c. Variances
  - 2) The Board of Appeals shall notify the Village Engineer and each member of the Board of Trustees, the Chairman of the Planning Board of Croton-on-Hudson and the Municipal Clerk of any affected municipality given notice of hearing as set forth in § 230-76B of its decision in each case.
- J. Compliance with SEQRA. The Board of Appeals shall comply with the provisions of the state environmental quality review act (SEQRA) under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes, Rules and Regulations.**
- K. Rehearing. Any member of the Board of Appeals may make a motion to hold a rehearing on any order or determination of the Board not previously reheard. A unanimous vote of all members of the Board then present is required for such rehearing to occur. The rehearing is subject to the same notice provisions as the original hearing. Upon such rehearing, the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.**
- L. Voting Requirements.**
- 1) **Decision of the Board. Except as otherwise provided in §230-78K of this article, every motion or resolution by the Board of Appeals shall require for its adoption the affirmative vote of a majority of all the members of the Board, as fully constituted regardless of vacancies or absences. Where an action is the subject of a referral to the county planning agency, the voting provisions of §239-m of the General Municipal Law shall apply.**
  - 2) **Default denial of appeal. In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the Board is not attained on a motion or a resolution to grant a variance or reverse any order, requirement, decision or determination of the enforcement official within the time allowed by §230-78H of this article, the appeal is denied. The Board may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process as set forth in §230-78K of this article.**
- M. All provisions of this chapter relating to the Board of Appeals shall be strictly construed; the Board, as a body of limited jurisdiction, shall act in full conformity with all provisions

of law and of this chapter and in strict compliance with all limitation contained therein; provided, however, that if the procedural requirements set forth in this chapter have been substantially observed, no applicant or appellant shall be deprived of the right of application or appeal.

## *CODE-WIDE REVISIONS*

- Special Permits. All special permit authority will be given to the Board of Trustees, with the exception of free-standing signs in C-1 districts (§230-44) and fill/excavation (Chapter 120), which will remain with the Board of Appeals. The following sections should be amended to give the Board of Trustees special permit authority:
  - §230-9. day care centers, bed & breakfasts, and accessory apartments should be changed from the Planning Board to the BOT
  - §230-19 (Waterfront Commercial Districts). Special permit authority for the following uses should be changed from the Board of Appeals to the Board of Trustees:
    - restaurants,
    - hotels, motels, and boatels
    - retail sales outlets
    - marinas
    - small boat repair facilities
    - temporary fairgrounds
    - docks and piers
  - §230-31.9: reduced setbacks in WD districts, changed from Planning Board to BOT
  - §230-36: exceptions to front yard setbacks in O-2 districts, changed from Board of Appeals to BOT
  - §230-40: exceptions to restrictions on projection of garages and other accessory buildings in residential districts, changed from Board of Appeals to BOT
  - §230-42: exceptions to lot coverage requirements for accessory garages in RC districts, changed from Board of Appeals to BOT
  
- Article XIV, Amendments and Interpretation, is referenced several times throughout the Zoning Ordinance. Since this article is being renumbered to Article XV, the references should be changed accordingly:
  - §230-23B
  - §230-26C
  - §230-31
  - §230-31.3B
  - §230-31.11C (x2)
  - §230-31.11F
  
- Renumbering: section renumbering will be required throughout code to account for sections that have been deleted or added

## *Zoning Schedules*

**Village of Croton-on-Hudson Schedule of Uses**

**Residential Districts**

<b>District / Code Section</b>	<b>Permitted Principal Uses</b>	<b>Special Permit Uses</b>	<b>Accessory Uses</b>
RA-40 / §230-9 RA-25 / §230-10 RA- 9 / §230-100 RA-5 / §230-12  One-Family Residence	1. one-family detached dwellings 2. municipal buildings, structures, and uses 3. raising of field & garden crops, vineyard & orchard farming, maintenance of nurseries and seasonal sale of products (no building may be erected)	1. places of worship and parish houses, Sunday & parochial schools, philanthropic and eleemosynary institutions, hospitals and sanitariums, nursing and convalescent homes, or homes for the aged <sup>25</sup> 2. libraries 3. arboretums 4. railroad and public utility rights-of- way and structures <sup>26</sup> 5. annual membership clubs <sup>27</sup> 6. operation, maintenance and preservation of historic sites, buildings, restorations, and landmarks 7. funeral homes <sup>28</sup> 8. day-care centers, as accessories to principal use <sup>29</sup> 9. bed & breakfast establishments as accessories to principal use <sup>30</sup>	1. customary home occupations <sup>31</sup> 2. professional offices and studios <sup>32</sup> 3. garden house, toolhouse, playhouse, greenhouse or swimming pool <sup>33</sup> 4. private garage for residents and leasing (not more than one space) to nonresidents 5. roomers/boarders (not more than one) 6. domestic animals <sup>34</sup>
RB / §230-13  Two-Family Residence	1. Any use permitted in RA-40 districts 2. Two-family dwellings 3. Boarding or rooming house, with not more than three persons in addition to residing family	Any special permit use permitted in RA-40 districts	Any accessory use permitted in RA-40 districts
RC / §230-14  Multiple Residence	1. All RA-9 and RB uses 2. One office or studio per 20 d.u.s <sup>35</sup> 3. Dwelling for three or more families; lot under single owner	Any special permit use permitted in RA-40 districts	Any accessory use permitted in RA-40 districts

<sup>25</sup> See §230-9(4)(a) through (f)

<sup>26</sup> See §230-9(5)

<sup>27</sup> See §230-9(6)

<sup>28</sup> See §230-9(8)

<sup>29</sup> See §230-9(10)(g)

<sup>30</sup> See §230-9(10)(h)

<sup>31</sup> See §230-9(10)(a)

<sup>32</sup> See §230-9(10)(b)

<sup>33</sup> See §230-9(10)(c)

<sup>34</sup> See §230-9(10)(f)

<sup>35</sup> See §230-14A(1)(a)

*Please note: all information contained in the Zoning Schedules is designed to supplement and summarize the information contained in the Zoning text. At all times, the Zoning text prevails over the zoning schedules.*

*Village of Croton-on-Hudson Schedule of Uses*

**Office Districts**

<i>District / Code Section</i>	<i>Permitted Principal Uses</i>	<i>Special Permit Uses</i>	<i>Accessory Uses</i>
O-1 / §230-15 Limited Office	1. Any use permitted in RB districts 2. Business and professional offices, and research, design and development laboratories <sup>36</sup>	Special uses permitted in RA-40 districts	1. Any accessory uses permitted in RB districts 2. Accessory uses to business and professional offices, research, design and development laboratories
O-2 / §230-15 Limited Office	1. Business and professional offices, showrooms, and research, design and development laboratories, including clinics, cafeterias, and recreational facilities for exclusive use of company employees 2. Manufacturing, assembling, converting, altering, finishing, cleaning or other processing or products, not using more than 40% of total floor area <sup>37</sup>	Special uses permitted in RA-40 districts	None
<del>O-3 / §230-15</del> <del>Limited Office</del>	<b><i>NO USES SPECIFIED</i></b>		

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<sup>36</sup> See §230-15A(2)

<sup>37</sup> See. §230-15B(1)(b)

*Village of Croton-on-Hudson Schedule of Uses*

**Commercial Districts**

<i>District / Code Section</i>	<i>Permitted Principal Uses</i>	<i>Special Permit Uses</i>	<i>Accessory Uses</i>
C-1 / §230-16 Central Commercial	<ol style="list-style-type: none"> <li>1. retail stores and banks</li> <li>2. personal service establishments</li> <li>3. business, professional or government offices</li> <li>4. service establishments of a non-personal nature</li> <li>5. theaters and restaurants</li> <li>6. outlets and pickup stations for laundries and cleaning establishments<sup>38</sup></li> <li>7. newspaper printing<sup>39</sup></li> <li>8. schools and places of worship</li> <li>9. signs accessory to an establishment<sup>40</sup></li> </ol>	<ol style="list-style-type: none"> <li>1. light manufacturing, assembling, converting, altering, finishing, cleaning or other processing of products, where goods are sold on and off the premises<sup>41</sup></li> <li>2. social clubs or other non-profit organizations</li> <li>3. public utility structures</li> <li>4. day-care centers<sup>42</sup></li> <li>5. mixed-occupancy in accordance with §230-42.1</li> </ol>	None
C-2 / §230-17 General Commercial	Any use permitted in C-1 districts, except retail stores	<ol style="list-style-type: none"> <li>1. retail stores</li> <li>2. motor vehicle service stations<sup>43</sup></li> <li>3. social clubs or other non-profit organizations</li> <li>4. bowling alleys, billiard halls, miniature golf courses and similar amusement establishments</li> <li>5. storage or repair garages</li> <li>6. animal hospitals</li> <li>7. hotels or inns<sup>44</sup></li> <li>8. public utility structures</li> <li>9. automobile sales and service agencies for sale of new automobiles and accessories<sup>45</sup></li> <li>10. mixed occupancy in accordance with §230-42.1</li> </ol>	Customary accessory uses to automobile sales and service agencies

<sup>38</sup> See §230-16A(6)

<sup>39</sup> See §230-16A(7)

<sup>40</sup> See §230-16A(9)

<sup>41</sup> See §230-16B(1)

<sup>42</sup> See §230-16B(4)

<sup>43</sup> See §230-17-B(1)

<sup>44</sup> See §230-17-B(5)

<sup>45</sup> See §230-17-B(7)

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**Village of Croton-on-Hudson Schedule of Uses**

**Light Industrial and Waterfront Commercial Districts**

<b>District / Code Section</b>	<b>Permitted Principal Uses</b>	<b>Special Permit Uses</b>	<b>Accessory Uses</b>
LI <sup>46</sup> / §230-18  Light Industrial	<ol style="list-style-type: none"> <li>1. business and professional offices including related showrooms</li> <li>2. railroad lines and stations</li> <li>3. motor vehicle parking structures and parking lots, conforming to §230-51F</li> </ol>	<ol style="list-style-type: none"> <li>1. light manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products</li> <li>2. research, design and development laboratories<sup>47</sup></li> <li>3. storage and dispensing of motor fuel and lubricants, as part of motor vehicle parking lots and structures for parking lots</li> <li>4. hotels, inns and restaurants</li> <li>5. occasional retail sales incidental to conduct of permitted uses</li> <li>6. utilities</li> <li>7. warehousing and wholesaling; freight distribution centers and terminals<sup>48</sup></li> </ol>	<ol style="list-style-type: none"> <li>1. storage of goods or equipment accessory to permitted uses</li> <li>2. keeping, breeding and raising of rodents and other small fur-bearing animals for laboratory purposes</li> <li>3. utility facilities</li> <li>4. maintenance and service facilities</li> <li>5. clinics, cafeterias, lunchrooms and recreation facilities not open to public participation</li> <li>6. structures for disposal of sewage and other wastes</li> <li>7. parking</li> <li>8. all and any other similar accessory uses consistent with permitted uses</li> </ol>
WC / §230-19  Waterfront Commercial	<ol style="list-style-type: none"> <li>1. facilities for water-oriented and athletic activities, including but not limited to:                             <ul style="list-style-type: none"> <li>- bathing beaches and pools</li> <li>- waterskiing, fishing, sailing and boating</li> <li>- ice-skating and other winter sports</li> <li>- tennis, handball, basketball, baseball, softball and similar sports</li> <li>- picnic grounds</li> </ul> </li> <li>2. facilities for culturally-oriented activities, including but not limited to:                             <ul style="list-style-type: none"> <li>- performing arts theaters</li> <li>- band shells</li> <li>- museums and art galleries</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>1. restaurants</li> <li>2. hotels, motels and boatels</li> <li>3. retail sales outlets for supply to the ultimate consumer of goods and services immediately related to any WC uses</li> <li>4. marinas</li> <li>5. small boat repair facilities</li> <li>6. temporary fairgrounds</li> <li>7. docks and piers for any WC uses</li> </ol>	None

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<sup>46</sup> See §230-18 for additional regulations

<sup>47</sup> See §230-18C(2)

<sup>48</sup> See §230-18C(7)

*Village of Croton-on-Hudson Schedule of Uses*

***Parks, Recreation and Education (PRE) Districts***

<b><i>District / Code Section</i></b>	<b><i>Permitted Principal Uses</i></b>	<b><i>Special Permit Uses</i></b>	<b><i>Accessory Uses</i></b>
PRE-1 / §230-20 Passive Open Space	<ol style="list-style-type: none"> <li>1. natural open space areas and uses designed for environmental or ecological wildlife preservation</li> <li>2. bird and wildlife sanctuaries</li> <li>3. parks and passive use</li> <li>4. open space or woodland preserving important vistas, view corridors or scenic resources</li> <li>5. paths, boardwalks or bridges for above uses</li> </ol>	Public utility installations deemed necessary to serve properties within the Village <sup>49</sup>	<ol style="list-style-type: none"> <li>1. off-street parking of passenger and commercial vehicles in the open<sup>50</sup></li> <li>2. maintenance, security or utility structures serving specific needs</li> <li>3. other accessory uses incidental to principal use on site</li> </ol>
PRE-2 / §230-20 Active Open Space	<ol style="list-style-type: none"> <li>1. Picnic grounds, beaches and similar recreation facilities</li> <li>2. Parks and gardens</li> <li>3. Playing fields and all other facilities for athletic sporting activities, including grandstands and scoreboards</li> <li>4. administration and control buildings; toilet, locker and shower facilities; band shells; gazebos and shelters; and outdoor stage platforms</li> <li>5. all uses permitted under PRE-1</li> </ol>	Any special permit use permitted in PRE-1 districts	Any accessory use permitted in PRE-1 districts
PRE-3 / §230-20 Educational Buildings	<ol style="list-style-type: none"> <li>1. public schools, public buildings and other public facilities for educational and instructional purposes</li> <li>2. zoos, aquariums and other botanical gardens</li> <li>3. performing arts theaters, band shells, museums, art galleries, libraries, and other culturally-oriented facilities</li> <li>4. all uses permitted under PRE-1 and PRE-2</li> </ol>	Any special permit use permitted in PRE-1 districts	Any accessory use permitted in PRE-1 districts

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<sup>49</sup> See §230-20F

<sup>50</sup> See §230-20D(1)

*Village of Croton-on-Hudson Schedule of Uses*

***Waterfront Development District***

<b><i>District / Code Section</i></b>	<b><i>Permitted Principal Uses</i></b>	<b><i>Special Permit Uses</i></b>	<b><i>Accessory Uses</i></b>
WD / §230-31.4 & 230-31.5  Waterfront Development District	1. recreational uses: <ul style="list-style-type: none"> <li>- swimming, waterskiing, fishing, sailing and boating</li> <li>- ice skating</li> <li>- tennis, platform tennis and other racquet sports, handball, basketball and other similar sports</li> <li>- picnic areas, playgrounds and trails</li> </ul> 2. residential uses: <ul style="list-style-type: none"> <li>- attached or detached single-family dwellings</li> <li>- two-family dwellings</li> <li>- multiple-family dwellings</li> <li>- recreational and public assembly facilities associated with residential development</li> </ul>	1. restaurants 2. marinas and yacht clubs 3. ferry terminals 4. docks and piers for any permitted uses under this section 5. repair facilities for recreational boats 6. public utilities 7. municipal facilities, subject to §230-45 8. cultural uses: <ul style="list-style-type: none"> <li>- performing arts theaters</li> <li>- temporary art, craft and educational exhibits</li> <li>- band shells</li> <li>- museums</li> </ul>	1. customary home occupations in accordance with §230-9A(10)(a) 2. professional offices or studios in accordance with §230-9A(10)(b) 3. retail sales of items incidental to conduct of nonresidential uses approved on final site development plan

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Village of Croton-on-Hudson Area and Bulk Schedule

District	Code Text Section	Minimum Lot Area (sq. ft)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Yards (feet)			Habitable Floor Area (sq. ft)	Floor Area Ratio <sup>51</sup>	Maximum Height Stories/feet	Building Coverage	Required Off-Street Parking
					Front	Side One/Both Yards	Rear					
RA-40	§230-33	40,000	150	200	50	30 / 80	40	Per d.u.: 1,400; Main floor: 880	<b>0.15</b>	2.5 / 35	20%	2 per d.u. <sup>52</sup>
RA-25	§230-33	25,000	125	150	40	20 / 50	30	Per d.u.: 1,200 Main floor: 880	<b>0.20</b>	2.5 / 35	25%	2 per d.u.
RA-9	§230-33	9,375	75	125	25	12 / 30	30	Per d.u.: 1,000 Main floor: 880	<b>0.40</b>	2.5 / 35	35%	2 per d.u.
RA-5	§230-33	5,000	50	100	15	8 / 20	25	Per d.u.: 880 Main floor: n/a	<b>0.55</b>	2.5 / 35	40%	2 per d.u.
RB: One-Family Residence	§230-34	5,000	50	100	20	8 / 20	25	Per d.u.: 880 Main floor: n/a	<b>0.60</b>	2.5 / 35	40%	2 per d.u.
RB: Two-Family Residence <sup>53</sup>	§230-34	2,500 sq. ft. per d.u.	75	100	20	12 / 30	30	Per d.u.: 600 Main floor: n/a	<b>0.60</b>	3 / 35	40%	1 per d.u.
RC: One-Family Residence	§230-34	9,375	75	125	25	12 / 30	30	Per d.u.: 1,000 Main floor: 880	<b>0.40</b>	2.5 / 35	35%	2 per d.u.
RC: Multiple Residence <sup>46</sup>	§230-34	Total: 4 acres Per d.u.: 3,000 sq ft	200	200	40	25 / 50	30	Per d.u.: 600	<b>0.55</b>	2 / 30	30%	1.5 per d.u.

*Note: This schedule is presented for the convenience of the reader. The text of the Zoning Ordinance should be consulted for detailed district requirements. Relevant specific sections include Article IV: District Use Regulations, Article VA: Waterfront Development District, Article VI: District Bulk and Parking Regulations, Article VII: Supplementary Regulations, and Article VIII: Off-Street Parking, Driveways and Loading Facilities*

<sup>51</sup> See Article VI, District Bulk and Parking Regulations, §230-33B for calculation of FAR for oversized and undersized lots.

<sup>52</sup> Per d.u. = per dwelling unit

<sup>53</sup> Usable open space requirements for RB two-family and RC multiple-family residences: 400 square feet per d.u.

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**Village of Croton-on-Hudson Area and Bulk Schedule**

District	Code Text Section	Minimum Lot Area (sq. ft)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Yards (feet)			Floor Area Ratio (FAR)	Maximum Height Stories/feet	Maximum Site Coverage Ratio (includes buildings and paved areas)	Required Off-Street Parking
					Front	Side One/Both Yards	Rear				
O-1	§230-35	---	100	100	20	10	20 <sup>54</sup>	0.40	2.5 / 35	TBD	The greater of 1 space per 300 sq ft of office floor area or 1 space per employee
O-2	§230-36	1 acre	150	150	25	25	25	0.40	25 feet	TBD	Minimum of 1 space per 300 sq ft of building
O-3	§230-36	1 acre	150	150	50	25	25	0.20	2.5 / 35	0.50	Minimum of 1 space per 300 sq ft of building
C-1	§230-35	----	25	---	---	None required; 10 feet minimum if provided <sup>55</sup>	None required; 10 feet minimum if provided <sup>56</sup>	2.0	2 / 35	----	The greater of 1 space per 300 sq ft of office floor area or 1 space per 250 sq ft of retail/service floor area
C-2	§230-35	----	50	----	10	None required; 10 feet minimum if provided <sup>3</sup>	None required; 10 feet minimum if provided <sup>4</sup>	0.50	2 / 35	----	The greater of 1 space per 300 sq ft of office floor area or 1 space per 250 sq ft of retail/service floor area

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<sup>54</sup> O-1 rear yard requirement for lots within 25 feet of residence district boundary: 30 feet (§230-35)

<sup>55</sup> C-1 and C-2 side yard requirement for lots within 25 feet of residence district boundary: 10 feet (§230-35)

<sup>56</sup> C-1 and C-2 rear yard requirement for lots within 25 feet of residence district boundary: 30 feet (§230-35)

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*Village of Croton-on-Hudson Area and Bulk Schedule*

<i>District</i>	<i>Code Text Section</i>	<i>Minimum Lot Area (sq. ft)</i>	<i>Minimum Lot Width (feet)</i>	<i>Minimum Lot Depth (feet)</i>	<i>Minimum Yards (feet)</i>			<i>Floor Area Ratio (FAR)</i>	<i>Maximum Height Stories/feet</i>	<i>Building Height Ratio</i>	<i>Required Off-Street Parking</i>
					<i>Front</i>	<i>Side One/Both Yards</i>	<i>Rear</i>				
LI <sup>57</sup>	§230-37	3 acres	200	200	50	30 / 80	35	0.5	3 / 40 (subject to both requirements)	½ the distance to the nearest lot line (subject to story and feet limitations)	1 space per employee (cumulative for all uses on lot)
WC <sup>58</sup>	§230-38	1 acre	100	200	25	30 / 80	20	0.5	1 / 20 (subject to both requirements)	---	0.5 space per patron (maximum customer capacity); 1 space per employee (cumulative for all uses on lot)
PRE-1	§230-39	----	----	----	50	25	50	---	12 feet	----	----
PRE-2	§230-39	----	----	----	50	25	50	---	35 feet	----	----
PRE-3	§230-39	----	----	----	50	25	50	---	35 feet	----	----

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<sup>57</sup> Any yard in LI district within 25 feet of residence district boundary: 50 feet (§230-37); waterfront setback from mean high waterline: 100 feet

<sup>58</sup> Required waterfront access in WC districts: 25 feet. See §230-38 for additional WC area and bulk regulations

*Village of Croton-on-Hudson  
Special Permit Schedule*

<i>Use or Action (requiring special permit)</i>	<i>Code Section</i>	<i>Board Jurisdiction</i>		
		<i>Board of Trustees</i>	<i>Planning Board</i>	<i>Board of Appeals</i>
<b><i>Special Use Permits</i></b>				
<b><i>In Residential Zoning Districts:</i></b>				
Places of worship, Sunday schools, parochial schools, philanthropic and eleemosynary institutions, hospitals, sanitariums, nursing and convalescent homes, homes for the aged, libraries and arboretums	§230-9	X		
Railroad and public utility rights-of-way	§230-9	X		
Annual membership clubs	§230-9	X		
Operation or maintenance of historic sites and buildings	§230-9	X		
Funeral homes	§230-9	X		
Employment of one assistant for customary home occupations	§230-9	X		
Day-care centers	§230-9	X	✖	
Bed & breakfasts	§230-9	X	✖	
Accessory apartments	§230-41	X	✖	
<b><i>In Commercial Zoning Districts:</i></b>				
Light manufacturing, assembling, converting, altering, finishing, cleaning or other processing of products	§230-16	X		
Social clubs and other non-profit organizations	§230-16	X		
Public utility structures	§230-16	X		
Day-care centers	§230-16	X		
Mixed occupancy	§230-16	X		
Sidewalk merchandise displays and sidewalk dining	§230-16	X		
Retail stores in C-2 districts	§230-17	X		
Motor vehicle service stations	§230-17	X		
Sale of used cars or vehicle rentals at service stations	§230-17	X		
Social clubs or other non-profit organizations	§230-17	X		
Storage or repair garages	§230-17	X		
Animal hospitals	§230-17	X		
Hotels or inns	§230-17	X		
Public utility structures	§230-17	X		
Automobile sales and service agencies	§230-17	X		
Mixed occupancy	§230-17 §230-42.1	X		

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*Village of Croton-on-Hudson  
Special Permit Schedule*

<i>Use or Action (for which special permit required)</i>	<i>Code Section</i>	<i>Board Jurisdiction</i>		
		<i>Board of Trustees</i>	<i>Planning Board</i>	<i>Board of Appeals</i>
Free-standing signs in C-1 districts	§230-44			X
<b><i>In Light Industrial Districts:</i></b>				
Light manufacturing, assembling, converting, altering, finishing, cleaning or other processing of products	§230-18	X		
Research, design and development labs	§230-18	X		
Storage and dispensing of motor fuel and lubricants	§230-18	X		
Hotels, inns and restaurants	§230-18	X		
Occasional retail sales	§230-18	X		
Utilities	§230-18	X		
Warehousing, wholesaling, freight distribution centers and terminals	§230-18	X		
Use of a lot smaller than three acres (must be greater than one acre)	§230-18	X		
<b><i>In Waterfront Commercial Districts:</i></b>				
Restaurants	§230-19	X		✖
Hotels, motels, and boatels	§230-19	X		✖
Retail sales outlets	§230-19	X		✖
Marinas	§230-19	X		✖
Small boat repair facilities	§230-19	X		✖
Temporary fairgrounds	§230-19	X		✖
Docks and piers	§230-19	X		✖
<b><i>In Parks, Recreation and Education Districts:</i></b>				
Public utilities	§230-20	X		
<b><i>In Waterfront Development Districts:</i></b>				
Restaurants	§230-31.4	X		
Marinas and yacht clubs	§230-31.4	X		
Ferry terminals	§230-31.4	X		
Docks and piers	§230-31.4	X		
Recreational boat repair facilities	§230-31.4	X		
Public utilities	§230-31.4	X		
Municipal facilities	§230-31.4	X		
Cultural uses (performing arts theaters, temporary art, craft and educational exhibits, band shells, museums)	§230-31.4	X		
<b><i>In All Districts:</i></b>				
Changing one non-conforming use to another non-conforming use	§230-53	X		

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*Village of Croton-on-Hudson  
Special Permit Schedule*

<i>Use or Action (requiring special permit)</i>	<i>Code Section</i>	<i>Board Jurisdiction</i>		
		<i>Board of Trustees</i>	<i>Planning Board</i>	<i>Board of Appeals</i>
<b><i>Special Permits for Dimension Exceptions</i></b>				
Reduced setbacks in WD districts	§230-31.9	X	✖	
Exceptions to front yard setbacks in O-2 districts	§230-36	X		✖
In residential districts, exceptions to restrictions on projection of garages and other accessory buildings	§230-40	X		✖
In RC districts, exceptions to lot coverage requirements for accessory garages	§230-42	X		✖
<b><i>Excavation, Filling &amp; Topsoil Removal</i></b>				
Land excavation, tree removal, stripping of topsoil	§120-3			X
Excavation of clay, sand, gravel, soil or other natural mineral deposits for commercial purposes	§120-18			X
<b><i>Telecommunications</i></b>				
Antennae and towers	§206-3	X		
<b><i>Steep Slopes</i></b>				
Exceptions to steep slope regulations for single-family lots (special hardship permits)	§195-9	X		
Exemptions from steep slope and building permit requirements for affordable housing (special hardship permits)	§195-9	X		
Special hardship permits for non-residential properties	§195-10	X		

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