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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Croton-on-Hudson

Local Law No. _____ of the year 20 12

A local law A LOCAL LAW TO AMEND THE PROVISIONS OF THE VILLAGE OF CROTON-ON-HUDSON GATEWAY OVERLAY ZONING
(Insert Title)
DISTRICT, AND CERTAIN ZONING LAW PROVISIONS RELATED THERETO, BY REPEALING LOCAL LAW NO. 4
OF THE YEAR 2009 AND ENACTING PROVISIONS TO EXPAND THE AREA OF, AND MODIFY THE ZONING REGULATIONS
FOR AND RELATED TO, THE HARMON/SOUTH RIVERSIDE GATEWAY AREA

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Croton-on-Hudson as follows:

See Attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section 1. Local Law Number 4 of the year 2009, adopted by the Board of Trustees of the Village of Croton-on-Hudson on November 16, 2009, is hereby repealed in its entirety, and the provisions hereof are intended to supersede the provisions of Local Law Number 4 of the year 2009 in their entirety.

Section 2. Section 230-20.2.A.(1) of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

(1) Harmon/South Riverside, consisting of certain lots located on Croton Point Avenue, South Riverside Avenue and Clinton Street. A list of the specific parcels included in the Harmon/South Riverside area is set forth in Attachment E of this Chapter and the Zoning Map is hereby amended to include the parcels described in the Attachment E of this Chapter. This area is an important link to the train station via Croton Point Avenue and to the Harmon neighborhood. It also provides a connection with the historic Van Cortlandt Manor to the south.

Section 3. Section 230.20.2.B. of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

B. The parcels comprising the gateway districts are indicated in Attachment E of this Chapter.

Section 4. Section 230-20.3 of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

Section 230-20.3. Use regulations for Gateway Areas.

A. Permitted Uses. Unless otherwise specified in this Chapter, the uses permitted in the Gateway District areas shall be the same as those permitted in the underlying zoning district.

B. Special Permit Uses. The uses permitted in the Gateway District areas by Special Permit shall be the following:

(1) Unless otherwise specified in this Chapter, all special permit uses permitted in the underlying zoning district (subject to the underlying districts' requirements and criteria) shall be permitted in the Gateway District areas by special permit of the Village Board of Trustees.

(2) Farmers markets, greenmarkets or garden centers by special permit of the Village Board of Trustees, subject to the requirements and criteria set forth in Article X of this Chapter.

(3) In the Harmon / South Riverside Gateway District area, mixed use, by special permit of the Village Board of Trustees, subject to the following requirements and criteria and to the requirements / criteria contained in Article X of this Chapter:

a. Notwithstanding any other provision of this Chapter to the contrary, for the purposes of this Article (IVA), “mixed use” shall mean a combination in one building of residential dwelling units and other permitted and/or special permit uses provided, however,

i. At least 50 percent of the area of the first floor of any mixed use building must be used for non-residential use. Residential uses may not be located in the portion of a building’s first floor which is immediately inside the building’s front facade, it being the intention of this law that first floor front building facades, and the building areas immediately inside first floor front building facades, will be used for non-residential purposes. It is the further intention of this law that any first floor residential space will be located “behind” first floor non-residential space as viewed from the street/sidewalk adjacent to the building front. For the purpose of this subparagraph buildings located on street corners shall be deemed to have building fronts on each of the intersecting streets which form the street corner.

ii. There shall be no percentage restrictions on the amount of residential versus non-residential space on the second or third floor of a mixed use building.

iii. Residential dwelling units may be studios, one bedroom units and two bedroom units only. No more than fifty percent of the total number of dwelling units in a building may be two bedroom units.

b. Notwithstanding any provisions of Section 230-20.4 or any other provisions of this Chapter to the contrary, the following area and bulk regulations shall apply to mixed use buildings in the Harmon/South Riverside Gateway area. To the extent that contrary area/bulk regulations are not specified in this subsection, they shall be as otherwise provided in this Code:

i. Maximum floor area ratio (FAR) shall be .8.

ii. Maximum height shall be 35 feet/3 stories. Provided, however, the third story must be constructed within the roofline of the building.

iii. The minimum front yard setback shall be 15 feet. The maximum front yard setback shall be 20 feet. In accordance with the general provisions of this Chapter, corner lots shall be deemed to have front yards on each of the intersecting streets which form the corner.

iv. The Village Board shall have the authority in conducting Special Permit review to reduce or waive side yard setback requirement(s) of the underlying zone provided there is otherwise adequate access to parking areas, and provided one or more of the following criteria are met:

x. reducing the setback(s) will facilitate more parking to be provided in the rear of the building than would otherwise be the case.

xx. reducing the setback(s) will facilitate the interconnection of rear parking lots with those on adjoining property(ies).

xxx. reducing the setback(s) will contribute to the building forming a more unified, cohesive streetscape with adjoining buildings than would otherwise be the case.

v. With the exception described below, pre-existing buildings which do not meet the front yard setback required herein (15-20 feet) or any of the other area requirements of this Chapter (e.g. rear yard setback) shall not be permitted to have an FAR of .8 nor to add third story occupancy. They shall be governed by the FAR and story limitations of their underlying zone. Provided, however, pre-existing buildings which are otherwise area-compliant, but whose front yard setback is between ten and twenty feet (instead of the required fifteen to twenty feet) shall be permitted to have an FAR of .8 and third story occupancy.

c. Design Regulations. In addition to any other design regulations provided in this Code, the following design guidelines shall apply to mixed use buildings in the Harmon/South Riverside Gateway area:

i. The street level façade of the front of any building shall consist of at least sixty percent transparent glass to facilitate visibility into the building's first floor commercial premises and a retail streetscape look. For the purpose of this subparagraph buildings located on street corners shall be deemed to have building fronts on each of the intersecting streets which form the corner.

ii. Mixed use buildings in the Harmon/South Riverside Gateway area shall be subject to such additional design guidelines as may be adopted by resolution of the Board of Trustees from time to time.

d. Parking. Notwithstanding any other provision of this Code to the contrary, for mixed use buildings in the Harmon/South Riverside Gateway area there shall be provided at least the following amount of parking for each residential dwelling unit: one parking space plus one additional parking space for each bedroom in the unit in excess of one bedroom. (Examples: studio apartment – 1 space; 1 bedroom apartment – 1 space; 2 bedroom apartment – 2 spaces). The minimum parking for non-residential space shall be as otherwise required by this Chapter. The Village Board of Trustees, as part of its special permit determination, shall have the authority to increase these parking requirements. In the case of each application the Village Board of Trustees shall consider and make a finding as to whether the above-stated parking requirements are adequate or will be increased based upon the following factors:

i. The mix of uses proposed to be conducted in the various spaces in the building considering, among other things, the extent to which their parking demands are likely to overlap.

ii. Whether the applicant is willing to limit areas of the building to only certain uses.

- iii. The square footage of each of the proposed residential and commercial units in the building.
- iv. The availability of nearby municipal parking.
- v. Such other factors as the Board may deem relevant on a case by case basis.

The Board shall have the authority to require applicant(s) to provide and/or pay for a professional parking study.

C. Prohibited uses. Notwithstanding uses otherwise permitted by the underlying zoning district, the following uses shall be prohibited in all the Gateway District areas:

- (1) Commercial parking lots.
- (2) Automobile storage lots.
- (3) Drive-through windows for commercial establishments.
- (4) Automobile or other vehicle dealerships.

Section 5. The introductory paragraph of Section 230-20.4.A. of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

A. Maximum allowable floor area ratio. With the exception of mixed use development in the Harmon/South Riverside area, the maximum floor area ratio (FAR) standards that shall be adhered to for new development shall be the FAR listed for the underlying zone or the following, whichever is more restrictive:

Section 6. There is hereby added to Section 230-42.1 of the Code of the Village of Croton-on-Hudson a new Section G to read as follows:

G. The provisions of this Section 230-42.1 shall not apply to properties located in the Harmon/South Riverside Gateway Overlay area. Regulations governing Harmon/South Riverside Gateway Overlay area “mixed use” buildings (as defined in Section 230-20.3B(3)a.) are contained in Article IVA of this Chapter.

Section 7. Section 230-17A.(1) of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

A. Permitted uses. No building or premises shall be used and no building or part of 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) Any use permitted in a Commercial C-1 District, as set forth in Section 230-16A, and subject to the regulations therefor, but for properties not within the Harmon/South Riverside area of the Gateway Overlay District no retail stores shall be permitted except by special permit of the Village Board of Trustees. Such retail stores in all former C-1 Districts prior to the date of the adoption of this section shall be deemed to have special permits; however, any retail store with a current special permit requiring periodic renewal shall continue to require renewal in accordance with its terms.

Section 8. There is hereby added to Section 230-20.5 of the Code of the Village of Croton-on-Hudson a new Section G to read as follows:

G. Unified Parking Lot Design. Notwithstanding any other provision of this Chapter, in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic flow, the Planning Board shall have the authority in conducting site plan review to waive such open space, design guideline and parking lot buffer, screening and landscaping requirements as it deems advisable to encourage and foster the joint use of, and common access to, parking lots located on adjoining properties. The Planning Board may require as a condition of site plan approval the interconnection of parking facilities via circulation drives within and between adjacent lots, where necessary to mitigate impacts on traffic or parking resulting from a proposed plan that cannot be otherwise mitigated. In such cases, the Planning Board will require written easement agreements between the property owners to permit and maintain such interconnection of parking facilities.

Section 9. Section 230-51C of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

C. Location and ownership of required accessory parking facilities. Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory or elsewhere, provided that all spaces therein are located within 500 feet walking distance of such lot. In all cases, such parking spaces shall conform to all the regulations of the district in which they are located, and in no event shall such parking spaces be located in any residence district unless the uses to which they are accessory are permitted in such districts or by special permit of the Board of Appeals. Unless otherwise approved by the Planning Board, such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, filed with the County Clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available either:

(1) Throughout the existence of such use to which they are accessory;

or

(2) Until such spaces are provided elsewhere.

Section 10. The introductory paragraph of Section 230-20.6 of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

Each of the gateway areas should have a special character that should be preserved and enhanced. Accordingly, in addition to the design regulations set forth above in §230-20.5 of this article, design guidelines have been established in the 2003 Comprehensive Plan for each of the three gateway areas that build upon the individual features of each district.

Section 11. If any clause, sentence, paragraph, section, Article or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Local Law, nor the remainder of any clause, sentence, paragraph, section, Article or part hereof.

Section 12. The provisions of Sections 2 through 9 of this Local Law shall not apply to any proposed project for which a complete application has been submitted prior to the effective date hereof. The provisions of the Zoning Law in effect on November 15, 2009 shall apply to such proposed projects.

Section 13. This Local Law shall take effect immediately upon filing with the Secretary of State.

230 ATTACHMENT E

Areas Comprising the Gateway Districts

The Municipal Place Gateway District is comprised of the following:

Tax Map Lots numbered -
78.12-3-4, 78.12-3-5, 78.12-3-6,
78.12-3-7, 78.12-3-3, 78.12-3-2,
78.12-3-8, 78.12-3-9, 78.12-3-10,
79.9-1-30, 79.9-1-77, 79.9-1-66,
79.9-1-67

The North End Gateway District is comprised of the following:

Tax Map Lots numbered –
67.10-2-11, 67.10-2-12, 67.10-2-13,
67.10-2-14, 67.10-2-15, 67.10-2-16,
67.10-2-17, 67.10-2-1

The Harmon/South Riverside Gateway District is comprised of the following:

Tax Map Lots numbered –
79.13-1-5,79.13-1-6,
79.13-1-7, 79.13-1-9, 79.13-1-60,
79.13-1-61, 79.13-1-62, 79.13-1-63,
79.13-1-64, 79.13-1-65, 79.13-1-66,
79.13-1-68, 79.13-1-69, 79.13-1-70,
79.13-1-71, 79.13-1-72, 79.13-1-73,
79.13-1-74, 79.13-1-75, 79.13-1-85,
79.13-1-86, 79.13-1-87, 79.13-1-88,
79.13-1-89, 79.13-1-90, 79.13-2-5,
79.13-2-6, 79.13-2-18, 79.13-2-19,
79.13-2-20, 79.13-2-21, 79.13-2-22,
79.13-2-22.1, 79.13-2-23, 79.13-2-
24, 79.13-2-25, 79.13-2-26, 79.13-
2-27, 79.13-2-28, 79.13-2-29,
79.13-2-30, 79.13-2-31, 79.13-2-32,
79.13-2-33