

A LOCAL LAW TO AMEND THE PROVISIONS OF THE VILLAGE OF CROTON-ON-HUDSON GATEWAY OVERLAY ZONING 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, THE HARMON/SOUTH RIVERSIDE GATEWAY AREA

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4 of the year 2009, adopted by the Board of Trustees of the Village of Croton-on-Hudson on November 16, 2009, is hereby repealed in its entirety, and the provisions hereof are intended to supersede the provisions of Local Law Number 4 of the year 2009 in their entirety.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 the Table of Zoning Map Amendments located at the end of this chapter which table and map are hereby amended to include the parcels described in the schedule hereto. 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 230-20.3 of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

Section 230-20.3. Use regulations for all Gateway areas, and special area, bulk and parking regulations for the Harmon/South Riverside Gateway area.

A. The uses permitted in the Gateway District areas shall correspond to the permitted and special permit uses set forth in the underlying zoning district. In addition, the following uses, when not otherwise authorized in the underlying zone, shall be permitted:

(1) Permitted Principal Use. In the Harmon/South Riverside area mixed use shall be a permitted principal use subject to the parameters and requirements set forth below:

a. Notwithstanding any other provision of this Chapter to the contrary, for the purposes of this Article (IVA), mixed use shall mean a combination 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 floor of a mixed use building.

iii. The third floor of a mixed use building may only be used for residential dwelling unit purposes.

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 Planning Board shall have the authority in conducting Site Plan review to reduce or waive side yard setback requirement(s) of the underlying zone provided there is otherwise adequate access to parking areas.

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 residential 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 residential 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 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 parking for non-residential space shall be as otherwise required by this Chapter.

(2) Special Permit Uses.

In addition to the special permit uses permitted in the underlying zoning district, the following uses, when not otherwise authorized in the underlying district, shall be permitted by special permit granted by the Village Board of Trustees in all Gateway District areas:

(a) Farmers' market, greenmarkets or garden centers.

B. 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.
- (5) Fast food restaurants.

Section 4. 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 5. 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 230-20.3A(1)a.) are contained in Article IVA of this Chapter.

Section 6. 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 therefore, 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 7. 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, 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.

Section 8. 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:

or

- (1) Throughout the existence of such use to which they are accessory;
- (2) Until such spaces are provided elsewhere.

Section 9. 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 10. This Local Law shall take effect immediately upon filing with the Secretary of State.

LIST OF PARCELS included in Harmon South Riverside Gateway Overlay Zone		
SECTION	BLOCK	LOT
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