

## APPENDIX B

### CHAPTER 270 - ZONING

**CHAPTER 270 ZONING**

[HISTORY: Adopted by the Board of Trustees of the Village of Ossining 10-6-2009 by L.L. No. 3-2009.

Editor's Note: This local law also repealed former Ch. 270, Zoning, adopted 12-18-1990 by L.L. No. 12-1990, as amended.

Amendments noted where applicable.]

**GENERAL REFERENCES**

Adult entertainment — See Ch. 60.

Affordable housing — See Ch. 62.

Building construction — See Ch. 91.

Cabarets — See Ch. 100.

Environmental quality review — See Ch. 118.

Excavations — See Ch. 122.

Explosives and blasting — See Ch. 123.

Flood damage prevention — See Ch. 141.

Food establishments — See Ch. 145.

Freshwater wetlands — See Ch. 149.

Noise — See Ch. 178.

Sidewalk cafes — See Ch. 216.

Slaughterhouses — See Ch. 220.

Stormwater management and erosion and sediment control — See Ch. 227.

Subdivision of land — See Ch. 233.

Swimming pools — See Ch. 237.

Trees — See Ch. 248.

Waterfront consistency review — See Ch. 262.

**ARTICLE I General Provisions (§ 270-1 — § 270-2)****§ 270-1 Purposes.**

There is hereby established a new comprehensive zoning plan for the Village of Ossining, which plan is set forth in the text and map that constitute this chapter. Said plan is adopted for the purposes set forth in Article VII of the Village Law which, in the interest of the protection and promotion of the public health, safety and welfare, shall be deemed to specifically include the following, among others:

A.  
The facilitation of the efficient and adequate provision of public facilities and services;

B.  
The assurance of adequate sites for residence, industry and commerce;

C.  
The provisions of privacy for families;

D.  
The prevention and reduction of traffic congestion, so as to promote efficient and safe circulation of vehicles and pedestrians;

E.

The maximum protection of residential areas;

F.

The gradual elimination of nonconforming uses;

G.

The enhancement of the appearance of the Village of Ossining as a whole;

H.

The encouragement of flexibility in the design and development of land in such a way as to promote the most appropriate use of lands, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands; and

I.

The protection of the environment of the Village as a whole.

**§ 270-2 Short title.**

This chapter shall be known and may be cited by the short form title of the "2009 Zoning Law of the Village of Ossining, New York."

**ARTICLE II Definitions; Use Groups (§ 270-3 — § 270-4)**

**§ 270-3 Word usage.**

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; 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."

**§ 270-4 Definitions; use group classifications.**

A.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings herein indicated.

ACRE

An area containing 43,560 square feet.

ALTER

To change, enlarge or rearrange the structural parts of an existing building or structure or to move a building from one location or position to another.

APPLICANT

The person or entity that is submitting an application for development, or the successor to the same.

ARTICULATION

An architectural demarcation consisting of an element such as a cornice line or entablature; a course of brick, stone or other material which projects or is differently colored or differently laid; or a change from an opaque surface to a void.

BASE DISTRICT

Any zoning district which is mapped in an area subject to the provisions of an overlay district.

BASEMENT

That portion of a building that is partly or completely below grade plane. A basement shall be considered as a story where the finished surface of the floor above the basement is:

(1)

More than six feet above grade plane;

(2)

More than six feet above the finished ground level for more than 50% of the total building perimeter; or

(3)

More than 12 feet above the finished ground level at any point.

#### BILLBOARD

Any sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed, or only incidentally upon such lot, including motor vehicles with signs attached thereto and parked in such a way as to serve as billboards, whether on the same lot as the business or not. Exceptions are temporary signs and way-finding signs.

#### BOARDINGHOUSE, LODGING HOUSE or ROOMING HOUSE

A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

#### BOARD OF TRUSTEES

The governing board of the Village.

#### BUFFER

An open space or landscaped area consisting of trees, shrubs, berms, walls, solid fencing or a combination of all, so installed to visibly and physically separate one use from another or to shield or block noise, lights or other nuisances. The buffer shall not be used or otherwise encroached upon by any parking, paving or aboveground structure on the lot so as to provide for adequate separation and protection from otherwise inharmonious or incompatible uses. A buffer requirement is in addition to all yard and setback requirements and is measured at right angles to and inward from the yard line.

#### BUILDING

Any structure used or intended for supporting or sheltering any use or occupancy, as well as the following:

(1)

Fences projecting above the ground not more than 6.5 feet at the lower ground level.

(2)

Walls, other than retaining walls, projecting above the ground and not more than 3.0 feet at the higher ground level and not more than 6.5 feet at the lower ground level.

(3)

Porches, outdoor bins and other similar structures.

#### BUILDING AREA

The maximum horizontal cross section of a building, including porches, balconies and raised platforms, but excluding cornices, roof overhangs, gutters or chimneys projecting not more than three feet, and steps and terraces not more than three feet above the average adjacent ground elevation.

#### BUILDING INSPECTOR

The Building Inspector of the Village or his designee. Any reference to the Building Inspector in this chapter shall also be deemed to include and refer to the Director of Code Enforcement.

[Amended 1-19-2010 by L.L. No. 1-2010]

#### BULK

The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, coverage and yard setbacks.

#### CERTIFICATE OF COMPLIANCE

Official certification that the use of a building conforms to this chapter and to any additional applicable rules and regulations.

CERTIFICATE OF OCCUPANCY

Official certification that a building or structure conforms to this chapter and to any additional applicable rules and regulations and may be occupied.

COMPREHENSIVE PLAN

A comprehensive plan adopted by the Board of Trustees pursuant to 722 of the Village Law which indicates the general locations recommended for the various functional classes of public works, places and structures and the general physical development of the Village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

COMMON OPEN SPACE

The 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, 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.

COVERAGE

(1)

BUILDING COVERAGE

— That percentage of the land area covered by the combined building area of all buildings, excluding any building or structure located completely below ground.

(2)

IMPERVIOUS COVERAGE

— That percentage of the land area covered by impervious surfaces.

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.

DENSITY

The number of dwelling units per acre of land, usually expressed as dwelling units per acre.

DEVELOPED LOT

A parcel or plot of land that is occupied by a principal building.

DISTRICT or ZONE

Any portion of the territory of the Village within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this chapter.

DRIVEWAY

A means of access for vehicles to or from a property to a roadway.

DWELLING, DETACHED ONE-FAMILY

A detached building containing one dwelling unit only.

DWELLING, MULTIFAMILY

A building or portion thereof containing three or more dwelling units.

DWELLING, ROW OR ATTACHED

A one-family dwelling with party walls separating it from adjacent units on one or both sides.

DWELLING, TWO-FAMILY

A detached building containing two dwelling units only in which the units are separated by vertical or horizontal partitions and not by a party wall.

DWELLING UNIT

A single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation. A house trailer, a boardinghouse or rooming house, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing or other similar homes or other similar structures shall not be deemed to constitute a dwelling unit.

EXTERIOR ARCHITECTURAL FEATURE

The architectural style and general arrangement of such of the exterior of a structure as is designed to be opened to view from a public way, including kind, color and texture of building materials, type of all windows, doors, lights, signs and other fixtures appurtenant to such portion.

FACADE

One side of the exterior of a building.

FAMILY

One or more persons, whether or not related by blood or marriage, living and eating together as a single housekeeping unit and sharing common expenses and household tasks.

FLAG LOT

A lot that contains two distinct parts:

(1)

The flag, which is the only building site and is located behind another lot; and

(2)

The pole, which connects the flag to the street and provides the only street frontage for the lot and at any point is less than the minimum lot width for the zone.

FLOOR AREA, HABITABLE, RESIDENTIAL

All spaces within the exterior walls of a dwelling unit, exclusive of garages, breezeways, unheated porches, cellars, heater rooms and basements having a window area of less than 10% of the square foot area of the room. Habitable floor area shall include all spaces not otherwise excluded above that are arranged for living, eating, food preparation or sleeping purposes, not including bathrooms, foyers, hallways and other accessory floor space.

FLOOR AREA, LIVABLE, RESIDENTIAL

All spaces within the exterior walls of a dwelling unit, exclusive of garages, breezeways, unheated porches, cellars, heater rooms and basements having a window area of less than 10% of the square foot area of the room. Livable floor area shall include all spaces not otherwise excluded above, such as principal rooms, utility rooms, bathrooms, all closets and hallways opening directly into any rooms within the dwelling unit.

FRONTAGE

The horizontal distance measured along the full length of a street line abutting the lot.

GRADE

The finished ground level adjoining the building or structure at all exterior walls.

GRADE PLANE

A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

GROSS FLOOR AREA

For one- and two-family homes: The gross floor area shall include all floor areas of all habitable rooms of all buildings and structures on the site. For all other buildings and structures: The gross floor area shall mean the sum of the areas of horizontal sections through each story of all parts of the building devoted to residential or commercial use. In computing the gross floor area, the area of horizontal section shall be that area enclosed by

the outside faces of all exterior walls. Further, the gross floor area shall not include the floor areas devoted to any accessory parking structures.

#### GROUND FLOOR

The lowest floor of a building having its entire floor to ceiling height above grade.

#### HABITABLE ROOM

A room or enclosed floor space arranged for living, eating, food preparation or sleeping purposes, not including bathrooms, foyers, hallways and other accessory floor space.

#### HEIGHT OF A STRUCTURE OR BUILDING

The vertical distance measured from the grade plane to the average height of the highest point of the building or structure, excluding the chimney and rooftop appurtenances such as antennas, elevator penthouses, water towers or mechanical equipment.

#### IMPERVIOUS SURFACE

Those surfaces, improvements and structures that cannot effectively infiltrate snow melt and stormwater into the ground, including but not limited to: parking areas, driveways, streets, sidewalks, areas of concrete, asphalt, gravel or other compacted aggregate, swimming pools, and areas covered by the outdoor storage of goods or materials which do not absorb water.

#### LOCAL WATERFRONT REVITALIZATION PLAN (LWRP)

The Local Waterfront Revitalization Plan, as adopted by the Village Board of Trustees and amended from time to time.

#### LOT

A portion or parcel of land considered as a unit.

#### LOT AREA

The total horizontal area included within the property lines of a lot.

#### LOT, CORNER

A lot at the junction of and abutting on two or more intersecting streets where the interior angle of the intersection does not exceed 135°. A lot abutting a curved street shall be deemed to be 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

A line dividing one lot from another or from a street or public place.

#### LOT LINE, FRONT

The lot line which abuts or runs along the designated street line. In the case of a flag lot situated to the rear of another lot, its front lot line shall be the rear lot line of the front lot for purposes of measuring the front yard.

#### LOT LINE, REAR

The lot line generally opposite to the street line; if the rear lot line is less than 10 feet in length, or if the lot comes to a point in the rear, the rear lot line shall be deemed to be a line parallel to the street line, not less than 10 feet long, lying farthest from the street line.

#### LOT WIDTH

The dimension measured along the front yard line at substantially right angles to the depth of the lot.

#### NONCOMPLYING BUILDING

A building which contains a use permitted in the district in which it is located, but which does not conform to the district regulations for: lot area, width or depth; front, side or rear yards; maximum height; lot coverage; or minimum livable floor area per dwelling unit.

NONCONFORMING USE

A use, whether of a building or tract of land, or both, existing on the effective date of this chapter, which does not conform to the use regulations of the district in which it is located.

OCCUPANCY

The purpose for which a building or structure, or portion thereof, is utilized or occupied.

OPEN AREA

An area of land that provides uninterrupted space for the purposes of view corridor preservation. Open area may include open space or green space, as well as parking or loading areas.

OPEN SPACE

Areas of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment; or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may be improved with those buildings, of which not more than 25% roofed for shelter purposes only, and other improvements that are designed to be incidental to the natural openness of the land.

OVERLAY DISTRICT

A zoning district establishing regulations which supersede less restrictive regulations of a base district.

OWNERSHIP, SAME

Includes all vested or contingent interests of any person or his/her agent, representative, successor or assignee, irrespective of whether or not such interest is recorded, in the following circumstances:

(1)

Direct ownership by such person or his or her spouse, child, parent, sibling or spouse of sibling, heir or next of kin, agent, corporation, firm, entity, partnership or unincorporated association.

(2)

Ownership of property by different corporations, firms, partnerships, entities or unincorporated associations, in which such a person is a stockholder, a partner or associate or his or her spouse, child, parent, sibling or spouse of sibling, heir or next of kin or owns 10% or greater in each corporation, firm, partnership, entity or unincorporated association.

(3)

When such person or his/her estate, successors or assigns, or any person or entity included in Subsections A and B herein, may be materially or substantively affected by the relief sought, or by any determination in any proceeding sought, before any board, body, commission or agency of the Village of Ossining, whether or not such person is a party to such application or proceeding and whether or not such person appears on the record of such proceeding.

PARKING AREA

A lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges in money and/or other considerations.

PARKING LOT

An off-street, improved lot, or part thereof, used for the storage of motor vehicles, which contains space rented to the general public by the hour, week, month or year.

PARTY WALL

The wall created on the boundary of the two properties and which serves as a common structure between the two premises owned by different parties.

PEDESTRIAN TRAFFIC FUNCTION

A measure of the intended use of the street for pedestrian traffic. Streets with a high pedestrian function: examples include Main Street, Highland Avenue, Croton Avenue, Spring Street, State Street, Brandreth Street, Water Street and Depot Plaza.



PERMITTED USE

A use of a building or land that conforms with the provisions of this chapter.

PLANNING BOARD

The Village of Ossining Planning Board, established by law.

PRINCIPAL BUILDING

A building in which is conducted the main or principal use of the lot on which said building is located.

PUBLIC SEWER AND PUBLIC WATER

Sewage disposal and water supply systems approved by the Village Board for municipal operation.

SCREEN or SCREENING(1)

A densely planted vegetative strip at least five feet wide or having equivalent natural growth. The shrubs or trees shall be at least four feet high at the time of planting and will be a type of planting that will form a year-round dense screen at least six feet high within three years;

(2)

An opaque wall or barrier or uniformly painted fence at least six feet high; or

(3)

Any other islands, barriers, emplacements, walls, fences, trees, plantings, shrubbery or other artificial or natural dividing strips or markers of any kind, wherever located on the site.

SETBACK

The distance between a structure and a lot line or, where specified in this chapter, another reference point or line, such as a curblin, and shall not include parking or loading areas.

SHOPPING CENTER

A tract of land, with buildings or structures planned as a whole and intended for one or more establishments for retail, office or allied purposes, on a site of 65,000 square feet or more.

SIGN

Any structure, or part thereof or any device attached to a building or painted or represented thereon or displayed in a window, which shall display or include any letter, word, model, banner, pennant, insignia, device, trade flag or representation which is in the nature of or which is used as an announcement, direction or advertisement for commercial purposes or otherwise. A sign includes a billboard or a neon tube, string of lights or similar device outlining or hung upon any part of a building or lot, but does not include the flag or insignia of any nation or group of nations or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event. Excluded from this definition are signs which are solely devoted to prohibiting trespassing, hunting or fishing or signs required by governments to indicate necessary public services or activities.

SIGN AREA

An area, including all faces of a sign, measured as follows:

(1)

When such sign is on a plate or framed or outlined, all of the area of such plate or the area of such frame or outline shall be included.

(2)

When such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, the total area of such sign shall be deemed the area within which all of the matter of which such sign consists may be inscribed.

SITE PLAN

A development plan of one or more lots or parcels meeting the requirements of this chapter.

SLOPE

The deviation of a surface from the horizontal, measured as the vertical distance (rise) divided by the horizontal distance (run), and expressed in percent or degrees.

STORY

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

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.

STREET

Includes a highway, road, avenue or alley which the public has a right to and is Village dedicated or that is a federal, state or county highway or street.

STREET LINE

The dividing line between a lot and a street.

STRUCTURAL ALTERATION

Any change in the supporting members of a building, such as beams, columns or girders.

STRUCTURE

That which is built or constructed.

SUBDIVISION

The division of land of real property into two or more lots, plots, blocks or sites, with or without streets or highways, for the purpose of offering such lots, plots, blocks or sites for sale, transfer of ownership or development. The term "subdivision" may include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the Office of the County Clerk in Westchester County in which such plat is located.

SWIMMING POOL, NONCOMMERCIAL

A body of water in an artificial receptacle or other container, which will cause the retaining of water to a depth greater than 18 inches, and having a surface area of water greater than 100 square feet and which is used or intended to be used for swimming by any family or persons residing on the premises and their guests. Such noncommercial pool shall not be operated for gain and shall be located on a lot only as an accessory use to the dwelling or dwellings thereon. Such noncommercial pool may be either an inground pool, which shall mean a pool constructed within an excavated depression below the surface of the ground, or an aboveground pool, which shall mean a pool, the frame of which is constructed of steel, aluminum or wood and which rests upon the ground surface, and may include a deck area which encircles all or part of the outside perimeter of such pool.

TRAILER, CAMPING

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 vehicles if mounted on temporary or permanent foundations with the wheels removed.

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. An accessory use may not be accessory to another accessory use.

VARIANCE

Permission to depart from the literal requirements of a chapter pursuant to the applicable standards of the

Village Law.

VILLAGE

The Village of Ossining.

VILLAGE ENGINEER

The Village Engineer of the Village of Ossining.

VILLAGE LAW

The Village Law of the State of New York.

WATERCOURSE

Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

WIDTH, BUILDING

The horizontal distance between the vertical planes of the furthestmost faces of a building, measured along or parallel to the axis of its greatest dimension, excluding roof projections such as eaves, rakes and soffets.

YARD, FRONT

An unoccupied ground area, fully open to the sky, between the street line and a line drawn parallel thereto along the front of the building, extending from lot line to lot line.

YARD, LINE

A line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this chapter.

YARD, REAR

An unoccupied ground area, fully open to the sky, between the rear lot line and a line drawn parallel thereto along the rear of the building, extending from lot line to lot line.

YARD, REQUIRED

Any yard measured between a line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this chapter.

YARD, SIDE

An unoccupied ground area, fully open to the sky, between any lot line other than a street or rear lot line and a line drawn parallel thereto along the side of the building between the front and rear yards.

ZONING MAP

The Zoning Map or Maps of the Village of Ossining, New York, together with any amendments thereto as may be subsequently adopted.

B.

Use group classifications.

(1)

Use groups, categories and subcategories.

(a)

Use groups. This chapter classifies land uses into five major groupings: residential; commercial; civic and institutional; industrial; and accessory. These are referred to as "use groups."

(b)

Use categories and subcategories. Each use group is further divided into more specific use categories. Use categories classify land uses and activities based on common functional or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and potential impacts on adjacent properties or areas. Subcategories may be provided for some use categories and may be subject to

differing zoning district or use-specific standards.

(c)

Examples. Typical uses cited as examples of the use categories and subcategories are not intended to be exclusive or restrictive.

(2)

Residential use group. The residential use group includes uses that provide ongoing living accommodations to one or more person. The residential use group includes the following use categories:

(a)

Household living. Residential occupancy of a dwelling unit by a household with tenancy arranged on a monthly or longer basis.

[1]

Dwellings, single-family detached. A detached building containing one dwelling unit only.

[2]

Dwellings, single-family attached. An attached one-family dwelling with party walls separating it from adjacent units on one or both sides.

[3]

Dwellings, two-family detached. A detached building containing two dwelling units only in which the units are separated by vertical or horizontal partitions and not by a party wall.

[4]

Dwellings, two-family attached. A two-family dwelling with party walls separating it from an adjacent unit on one side.

[5]

Dwellings, multifamily. A building or portion thereof containing three or more dwelling units.

(3)

Commercial use group. The commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use group includes the following use categories:

(a)

Adult entertainment uses. For the definition of "adult entertainment use," see Chapter 60, Adult Entertainment.

(b)

Animal-related uses. Commercial services related to the temporary care, boarding or medical treatment of animals. Uses are divided into two subgroups based on the intensity of the use, outdoor activity on the site and the potential for noise and odor-related externalities.

[1]

General. General animal-related uses have no outdoor facilities and provide same-day services or treatment only for domestic animals such as dogs, cats, fish, birds and small mammals. Overnight boarding for larger animals such as dogs and cats is not permitted. Examples include pet store and grooming uses occupying less than 5,000 square feet of floor area.

[2]

Intensive. Intensive animal-related uses include larger pet stores or provide outdoor facilities, overnight boarding or services or treatments for larger animals. Examples include animal shelters, kennels, stables, pet stores occupying more than 5,000 square feet of floor area and veterinary clinics.

(c)

Bar or tavern uses. An establishment, which is licensed by the New York State Liquor Authority, having as its principal or predominant use the serving of beer, wine or liquor for consumption on the premises and which sets a minimum age requirement for entrance, consistent with state law.

(d)

Entertainment or recreation uses. Commercial facilities used primarily for physical exercise, recreation or cultural activities. Uses are divided into two subgroups based on indoor or outdoor operations.

[1]

Indoor. Indoor uses in this category may require larger indoor areas to accommodate equipment or facilities for the proposed commercial entertainment or recreational activity. Examples include: physical fitness centers; health clubs; gyms; bowling alleys; indoor skating rinks; billiard halls; amusement arcades; indoor play parks; indoor theaters; performing arts centers; music halls; museums.

[2]

Outdoor. Outdoor uses in this category are typically land-intensive uses that provide continuous recreation or entertainment-oriented commercial activities. They may take place in a number of structures that are arranged together in an outdoor setting. Examples include: commercially operated tennis and swimming facilities; golf driving ranges; outdoor miniature golf facilities; and active sports facilities such as batting cages.

(e)

Lodging uses.

[1]

Bed-and-breakfast. An owner-occupied residence used to provide lodging accommodations and a morning meal to visitors for compensation, provided that the owner lives on the premises and not more than six bedrooms are so used for the NC Districts and nine bedrooms for the VC District and Waterfront Districts. The maximum length of stay for an individual guest shall be 14 nights.

[2]

Hotel. A facility offering 10 or more rooms for lodging accommodations for compensation to the general public and which may also provide additional services, such as meeting rooms, entertainment and recreational facilities, all for the use of customers residing at the inn and their guests only, and wherein all rooms are connected to interior hallways and thereby to interior elevators, lobbies and/or stairways, through which access to the exterior is gained. Motels and motor courts are not included in this definition and are prohibited in all zoning districts.

(f)

Office uses. Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services. Uses are divided into three subgroups based on land use impacts.

[1]

General. Professional offices, including lawyers, accountants, engineers, architects and real estate agents; financial services, such as mortgage lenders, brokerage houses, financial consultants, administrative and banking facilities; data processing; government offices; public utility offices; social service or other professional agency or nonprofit offices; television and radio studios; and business offices.

[2]

Live-work unit. An office or studio located within the same dwelling unit as the primary residence of the proprietor. Uses may include lawyers, architects, engineers, designers, music teachers, teachers, licensed real estate and/or insurance brokers and other similar professional office uses. Note: An art or crafts workshop as part of a dwelling unit is included in the artisan workshop category in the industrial use group. No more than 40% of the live-work unit shall be devoted to the work use, and the unit shall not be located on the ground floor of the building.

[3]

Medical and dental. A type of outpatient office use distinguished by a higher-than-typical number of customer visits. Examples include medical and dental clinics; chiropractic clinics; medical and dental labs; blood-collection facilities; and physical therapy clinics.

(g)

Parking uses, nonaccessory. Parking facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as nonaccessory parking.

(h)

Restaurant uses. A fully enclosed establishment where meals or prepared food, including beverages, are served to customers for consumption on or off the premises, pursuant to required licenses.

(i)

Retail sales and service uses. Establishments involved in the sale, lease or rent of new or used products to the general public for personal or household consumption and establishments involved in the sale of personal services, hospitality services or product repair services to the general public. Uses are divided into the following subgroups:

[1]

Sales oriented. Stores selling, leasing or renting consumer, home and business goods, including, but not limited to, antiques, appliances, art, art supplies, bicycles, carpeting, clothing, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, household products, jewelry, pet supplies (no animals or animal services), pharmaceuticals, plants, printed material, stationery, videos and similar goods. Also includes retail establishments that have a cottage industry component, such as bakeries, confectioneries, upholsterers, artisan workshops, and similar. However, in the case of an artisan workshop with retail sales, both the retail sales use and the artisan workshop use shall be deemed principal uses and shall meet the standards required for both.

[2]

Personal service oriented. Establishments engaged in providing retail services such as laundromats, catering services, dry cleaners, tailors, shoe repair, photographic studios, photocopy services, quick printing services, blueprint services, beauty salons and spa services and tanning salons or similar.

[3]

Repair oriented. Repair of consumer goods, such as electronics, bicycles, office equipment and appliances. Does not include repair of motor vehicles or lawn, landscaping and garden equipment, small machines or similar intensive repair.

[4]

Outdoor storage and sales. Uses that typically include large areas of outdoor storage or display, such as lumber yards; sales of landscaping materials and nursery products; equipment rental businesses.

(j)

Funeral parlors, taxidermists, mortuaries and crematoriums. A building or structure used by a professional licensed mortician for cremation, burial preparation and other funeral services.

(k)

Vehicle-related uses. Sales of motor vehicles or services related to motor vehicles. Uses are divided into two subgroups based on the intensity of the use, vehicle types sold or serviced, amount of outdoor service or storage and the potential for noise and odor-related externalities.

[1]

General. General vehicle-related uses include limited service of passenger vehicles and the sale of vehicle parts, with outdoor storage limited to 10% of the lot size. Examples include car washes and auto detailing; gasoline filling stations; and retail sales of passenger vehicle parts with no on-site vehicle repair.

[2]

General plus. A site proposing to combine a general vehicle-related use and a secondary use that is incidental to the general vehicle use but includes passenger car and vehicle repair limited to short-term, nonintensive repair that includes such work as oil changes, tire rotations, fluid checks, inspections. The vehicle repair component shall not contain more than two bays. No auto body repair is allowed.

[3]

Intensive. Intensive vehicle-related uses allow for the sales and service of motor vehicles, including heavy vehicles and equipment, including lawn, landscaping and garden equipment. Outdoor storage areas for vehicles, parts or other supplies may exceed 10% of the lot area, but must be screened in accordance with the requirements of this chapter, except for vehicles on display for sale. Examples include vehicle repair and servicing, including the installation of vehicle parts; auto body repair; vehicle sales or rental; and vehicle storage yards, including towing and wrecker services or impoundments.

(4)

Civic and institutional use group. The civic and institutional use group includes uses that provide public or quasi-public services. The public and civic use group includes the following use categories:

(a)

Clubhouses and community centers. A use that provides meeting space and facilities for private, nonprofit associations or religious institutions. Examples include private, nonprofit meeting halls, clubs, associations or nonresidential fraternal organizations, such as the Masonic, Eagles, Moose and Elks Lodges and the Lions and American Legion Clubs; community centers for homeowners' associations or neighborhoods. Such a use typically restricts access to the general public and owns, leases or holds property in common for the benefit of its members.

(b)

Day care and nursery schools. A nonresidential facility that provides care or supervision for children for less than 24 hours per day for a fee. Day care uses also include organized programs of short-term supportive day care in a group environment for adults who need supervision, assistance or both. Services may include, but are not limited to, nursing and rehabilitative services, personal care, transportation services and social or recreational activities.

(c)

Educational uses. Public and private schools that provide state-mandated primary and secondary generalized education; and schools for specialized activities, such as dance, music, martial arts, business and technical skills. Uses are divided into three subgroups:

[1]

Elementary or secondary. Private schools at the primary, elementary, junior high or high school level that provide state-mandated basic education.

[2]

Specialized schools. Schools primarily engaged in offering specialized trade, business or commercial courses, but not academic training. Also specialized non-degree-granting schools, such as music schools, dramatic schools, dance studios, martial arts studios, language schools and other short-term examination preparatory schools. If a specialized school involves indoor or outdoor recreational facilities, these facilities shall be deemed second principal uses and shall only be permitted in accordance with the requirements for entertainment and recreation uses.

[3]

Higher learning. Colleges, universities and professional schools granting academic degrees and requiring at least a high school diploma or equivalent general academic training for admission. Junior colleges and technical institutes requiring at least a high school diploma or equivalent general academic training for admission and granting associate academic degrees, certificates or diplomas. These uses tend to be in campus-like settings or on multiple blocks.

(d)

Hospitals. An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons that is licensed by state law to provide such services. Hospitals may include inpatient medical or surgical care for the sick or injured and related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities. Cafeterias, restaurants, florists, gift shops, pharmacies and other typical and subordinate uses may be permitted subject to the standards for accessory uses.

(e)

Infrastructure and utilities uses. Public or private buildings, structures and lands used to provide infrastructure and utility services. Uses are divided into two subgroups based on potential impacts to surrounding areas, including the number of employees and/or visitors on site and the potential for noise and odor-related impacts.

[1]

General. Infrastructure services that need to be located in or near the neighborhood or use where the service is provided. Examples of general utilities include water and sewage pump stations, stormwater retention and detention facilities, telephone exchanges and surface transportation stops such as bus stops and park-and-ride facilities.

[2]

Intensive. Infrastructure services providing regional or community-wide service that normally entail the construction of

new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, solid waste facilities and electrical substations.

(f)

Municipal uses. Facilities owned or operated by the Village and not subject to the standards of this chapter, including but not limited to reservoirs; water supply reservations; parks and open space; playgrounds; recreational facilities; community centers; libraries; firehouses; police stations; government offices; government garages; and public parking areas.

(g)

Places of worship. A use that provides meeting space and facilities for religious institutions. Examples include churches, temples, synagogues and mosques. Such a use typically restricts access to the general public and owns, leases or holds property in common for the benefit of its members.

(h)

Senior living facilities. An establishment providing lodging, boarding and nursing care for the elderly, including:

[1]

Nursing homes, assisted-living facilities, retirement homes, adult-care facilities or retirement communities that have a license to operate from the New York Department of Health; provided, however, that not all units within the property must be licensed units; or

[2]

Any retirement home or community in which some of the residents require additional medical services or assistance with activities of daily living, including but not limited to assistance with grooming, preparation of meals, housekeeping or laundry, where one or more of such services or activities are provided or have the potential to be provided on site.

(i)

Water-related recreation facilities. Public or private waterfront recreational facilities, including marinas, mooring or docking facilities to accommodate visitors, nonmotorized or motorized watercraft rental stores and other similar related uses.

(5)

Industrial use group. The industrial use group includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities. The Industrial Use Group includes the following use categories:

(a)

Artisan workshop, general. A workplace used for the production of art, sculpture, craftwork or similar items on a small-scale basis that requires hand tools. A gallery used for the display and sale of work may be included but shall be treated as a second principal use.

(b)

Artisan workshop, intensive. A workplace used for the production and sale of work that requires machines or more intensive equipment or materials to create the work of art. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals and do not emit noxious noises, odors, vibrations, or fumes. Examples include woodworking, metalworking, glassmaking or similar. A gallery used for the display and sale of work may be included but shall be treated as a second principal use.

(c)

Light manufacturing. Facilities for the transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals and do not emit noxious noises, odors, vibrations, or fumes. Examples may include, but are not limited to: production and repair of small machines or electronic parts and equipment; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; and manufacturing of jewelry, clothing, trimming decorations and any similar item.



(d)

Self-storage uses. Facilities that provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

(e)

Warehouse and freight movement uses. Facilities where the primary function involves the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little or no on-site sales activity with the customer present or business or office uses. Examples include: separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; major wholesale distribution centers; truck and air freight terminals; railroad switching yards; bus and railcar storage lots; taxi fleet parking and dispatch; fleet parking; parcel services; major postal facilities; grain terminals; and the stockpiling of sand, gravel and other aggregate materials. Warehousing or indoor storage of material associated with another principal use such as retail, businesses or office use shall be considered an accessory to the primary use.

(6)

Accessory buildings and uses. An accessory use or building is subordinate and accessory to a principal use or building on the same lot and is used for purposes customarily incidental to those of the principal use or building. Examples in a residential setting include private garages, tool sheds or noncommercial greenhouses. Specific definitions of certain types of accessory buildings and uses are provided below; however, this list is not exhaustive. Additional accessory uses for individual zoning districts can be found in this chapter under Article IV, Use Regulations.

(a)

Clubhouses and community centers. A use that provides meeting space and facilities for private, nonprofit associations or religious institutions. Examples include meeting halls, clubs, associations or community centers for homeowners' associations or neighborhoods. Such a use typically restricts access to the general public and owns, leases or holds property in common for the benefit of its members.

(b)

Drive-through facilities. Any service window, automated device or other facility that provides goods or services to individuals waiting in a motor vehicle.

(c)

Garage, private. An accessory building for the private use of the owner or occupant of a principal building located on the same lot for the storage of motor vehicles or other storage with no facilities for mechanical services or repair of a commercial or public nature.

(d)

Greenhouse. A fully enclosed structure that houses plants and other vegetation for the sole purpose of growing vegetation noncommercially.

(e)

Home occupations. An accessory use of a dwelling unit for commercial purposes that does not alter the exterior of the property or affect the residential character of the neighborhood, does not include an exterior sign or a sign in a window visible from the public right-of-way, does not employ any employees who do not live on the premises, and which occupies not more than 25% of the floor area of the residence. Beauty parlors, barbershops, medical and dental practices and hairdressing and manicuring establishments shall not be deemed to be home occupations.

(f)

Home-based businesses. An accessory use of a dwelling unit for commercial purposes that is more intensive than a home occupation and that may include minor modifications to the building exterior and site in order to accommodate the commercial purpose, including a sign, which may employ not more than one employee who does not live in the residence, and which occupies not more than 25% of the floor area of the residence. Examples of home-based businesses include physicians, doctors, dentists, lawyers, architects, engineers, designers, music teachers, hairdressers, teachers, licensed real estate and/or insurance brokers and other similar professional uses.

(g)

Indoor storage. The storage, but not display for sale, of goods and/or materials inside of a fully enclosed structure that is incidental but clearly related to the principal use of the site such as office- or retail-related uses.

(h)

Off-street parking and loading, accessory. Parking facilities that provide parking that is accessory to a specific use or uses and related to the parking requirements listed in Appendix C.

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

(i)

Outdoor dining. Food or beverage service areas outside of a fully enclosed structure as an accessory use to a permitted restaurant or bar or cocktail lounge use. Where a permit has been issued by the Board of Trustees, outdoor dining may be permitted on a public right-of-way such as a sidewalk (See Chapter 216, Sidewalk Cafes.)

(j)

Outdoor storage. The storage, but not display for sale, of goods and/or materials outside of a fully enclosed structure that is incidental but clearly related to the principal use of the site such as office- or retail-related uses. Outdoor storage shall be screened in accordance with the provisions of this chapter.

(k)

Outdoor display. Displays that are for sale that are a minor part of the retail business. Displays are typically seasonal.

(l)

Tool shed. The storage of materials or equipment that is incidental and subordinate to the primary residential use and must be located in a fully enclosed structure.

### **ARTICLE III Districts (§ 270-5 — § 270-8)**

#### **§ 270-5 List of districts.**

The Village of Ossining is hereby divided into the classes of districts listed below:

<b>Residential Districts</b>	
S-125, S-100, S-75 and S-50	Single-Family Residence Districts
T	Two-Family Residence District
MF-1 and MF-2	Multifamily Residence Districts
PRD	Planned Residence District
<b>Business/ Mixed-Use Districts</b>	
PC	Planned Center District
NC-1 and NC-2	Neighborhood Center Districts
VC	Village Center District
GB	General Business District
P-O	Professional Office District
O-R	Office-Research District
CDD	Conservation Development District
SP-N	Station Plaza North District
SP-S	Station Plaza South District
RDD	Riverfront Development District



PW	Planned Waterfront District
PW-a	Northern Waterfront Subdistrict
PW-b	Central Waterfront — Transit-Oriented Subdistrict
PW-c	Central Waterfront — Hillside Subdistrict
IR	Institutional/Redevelopment District
PWRD	Planned Waterfront and Railway Development District (overlay)
HADD	Historical and Architectural Design Districts and Historic Landmarks (overlay)

#### **§ 270-6 Zoning Map.**

The boundaries of said districts are hereby established as shown on the "Zoning Map, Village of Ossining," dated October 2009, which accompanies, and which, with all explanatory matter thereon, is hereby adopted and made a part of this chapter. A copy of said map, indicating the latest amendments, shall be kept up-to-date in the offices of the Building Inspector for the use and benefit of the public.

#### **§ 270-7 District boundaries.**

In determining the boundaries of districts shown on the map, the following rules shall apply:

##### **A.**

Where district boundaries are indicated as approximately following the center lines of streets, highways, waterways or railroad rights-of-way or such lines extended, such center lines shall be construed to be such boundaries.

##### **B.**

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.

##### **C.**

In all cases where a district boundary line is located not farther than 15 feet away from a lot line of record, such boundary line shall be construed to coincide with such lot line.

##### **D.**

In all other cases where dimensions are not shown on the map, the location of boundaries shown on the map shall be determined by the Building Inspector.

#### **§ 270-8 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 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 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 building 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.**

Any use not permitted by this chapter shall be deemed to be prohibited. Any list of prohibited uses contained in any

section of this chapter shall be deemed to be not an exhaustive list but to have been included for the purposes of clarity and emphasis and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible and that are thus prohibited.

#### **ARTICLE IV Use Regulations (§ 270-9 — § 270-25)**

##### **§ 270-9 S-125, S-100, S-75 and S-50 Single-Family Residence Districts.**

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

Purpose.

###### **(1)**

To maintain the character, scale and density of existing single-family residential neighborhoods in the Village of Ossining consistent with the protection and promotion of public health, safety and general welfare.

###### **(2)**

To encourage homeowners to maintain and improve their properties in keeping with the character of the surrounding neighborhood.

###### **B.**

Uses. Permitted principal, accessory, conditional and special permit uses in the S-125, S-100, S-75 and S-50 Districts shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

###### **C.**

Conditional uses. The following conditional uses shall be subject to the requirements set forth in §§ 270-26 and 270-51 and as set forth below. Cemeteries, places of worship, senior living facilities, elementary or secondary educational uses and higher learning educational uses are permitted, subject to the following:

###### **(1)**

The minimum lot size shall be 3.0 acres.

###### **(2)**

No building or part thereof or any parking or loading area shall be located within 75 feet of any street line or lot line.

###### **(3)**

The sum of all areas covered by all principal and accessory buildings shall not exceed 30% of the lot area, and the sum of all areas covered by impervious surfaces shall not exceed 50% of the lot area.

###### **(4)**

The maximum height shall not exceed either 35 feet or 2 1/2 stories.

###### **D.**

Additional accessory uses. In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

and the requirements found in § 270-26, the following are permitted accessory uses and requirements:

###### **(1)**

Greenhouse and tool shed, subject to the requirements of § 270-27.

###### **(2)**

Wading pool or swimming pool incidental to the residential use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33.

###### **(3)**

Clubhouses and community centers, subject to the requirements of § 270-27 and constructed within a residential community for use by its residents, which shall be operated by a homeowners' association.

###### **E.**

Bulk requirements. Bulk requirements in the S-125, S-100, S-75 and S-50 Districts shall be as provided in Appendix B



Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the S-125, S-100, S-75 and S-50 Districts shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

G.

Affordable housing. An applicant for a residential use must provide affordable housing pursuant to the requirements of Chapter 62, Affordable Housing.

**§ 270-10 T Two-Family Residence District.**

A.

Purpose.

(1)

To maintain the character, scale and density of existing two-family neighborhoods in the Village of Ossining consistent with the protection and promotion of public health, safety and general welfare.

(2)

To encourage property owners to maintain and improve their properties in keeping with the character of the surrounding neighborhood.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the T District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses.

(1)

The following uses shall also be permitted as conditional uses: cemeteries, places of worship, senior living facilities, elementary or secondary educational uses and higher learning educational uses are permitted, subject to the following:

(a)

The minimum lot size shall be 3.0 acres.

(b)

No building or part thereof or any parking or loading area shall be located within 75 feet of any street line or lot line.

(c)

The sum of all areas covered by all principal and accessory buildings shall not exceed 30% of the lot area, and the sum of all areas covered by impervious surfaces shall not exceed 50% of the lot area.

(d)

The maximum height shall not exceed either 35 feet or 2 1/2 stories.

(2)

In addition to the applicable requirements found in §§ 270-26 and 270-51, the following requirements apply:

(a)

Parking uses shall meet the minimum lot area requirement.

(b)

No parking or loading area shall be located within 10 feet of any street line or lot line, and the Planning Board shall

ensure appropriate screening of parking and loading areas.

D.

Additional accessory uses. In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

and the requirements found in § 270-26, the following are permitted accessory uses and requirements:

(1)

Greenhouse, tool shed, subject to the requirements of § 270-27.

(2)

Wading pool or swimming pool incidental to the residential use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33.

(3)

Clubhouses and community centers constructed within a residential community for use by its residents, which shall be operated by a homeowners' association and subject to the requirements of § 270-27.

E.

Bulk requirements. Bulk requirements in the T District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the T District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

and subject to requirements specified elsewhere in this chapter.

G.

Affordable housing. An applicant for a residential use in the Two-Family Residence District must provide affordable housing pursuant to the requirements of the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

**§ 270-11 MF-1 and MF-2 Multifamily Residence Districts.**



A.

Purpose.

(1)

To accommodate the need for denser and more compact housing types in appropriate locations within the Village.

(2)

To maintain the character and scale of existing multifamily housing developments in the Village of Ossining consistent with the protection and promotion of public health, safety and general welfare.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the MF-1 and MF-2 Districts shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses.

(1)

The following conditional uses shall be subject to the requirements set forth in §§ 270-26 and 270-51 and as set forth below:

(a)

Cemeteries, places of worship, senior living facilities, elementary or secondary educational uses and higher learning educational uses are permitted, subject to the following:

[1]

The minimum lot size shall be 3.0 acres.

[2]

No building or part thereof or any parking or loading area shall be located within 75 feet of any street line or lot line.

[3]

The sum of all areas covered by all principal and accessory buildings shall not exceed 30% of the lot area, and the sum of all areas covered by impervious surfaces shall not exceed 50% of the lot area.

[4]

The maximum height shall not exceed either 35 feet or 2 1/2 stories.

(b)

Parking uses, nonaccessory, shall meet the minimum lot area requirement for the district. No parking or loading area shall be located within 10 feet of any street line or lot line, and the Planning Board shall ensure appropriate screening of parking and loading areas.

(2)

In addition to the conditional uses permitted in Appendix A,

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.  
cluster development in accordance with § 270-36 shall be a permitted conditional use.

D.

Additional accessory uses. In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.  
and the requirements found in § 270-26, the following are permitted accessory uses and requirements:

(1)

Greenhouse, tool shed, subject to the requirements of § 270-27.

(2)

Wading pool or swimming pool incidental to the residential use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33.

(3)

Clubhouses and community centers constructed within a residential community for use by its residents, which shall be operated by a homeowners' association and subject to the requirements of § 270-27.

E.

Bulk requirements.

(1)

Bulk requirements in the MF-1 and MF-2 Districts shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

(2)

Multifamily dwellings shall be subject to the following requirements:

(a)

The minimum distance between principal buildings shall be not less than 1.5 times the height of whichever building has a higher elevation at its highest point, or 25 feet, whichever is more.

(b)

There shall be provided on the same lot suitably equipped and active landscaped recreation area(s) which shall constitute at least 25% of the required common open space, as approved by the Planning Board.

(c)

No building shall exceed 160 feet in length.

F.

Parking requirements. Parking requirements in MF-1 and MF-2 Districts shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

G.

Affordable housing. An applicant for a residential use in the MF-1 and MF-2 Districts must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

## **§ 270-12 PRD Planned Residence District.**

A.

Purpose.

(1)

To maintain residential developments constructed in the PRD District prior to the effective date of Local Law No. 3-2009.

(2)

To provide for the development of remaining undeveloped lands within the PRD District while preserving the natural features of development sites, including wetlands, steep slopes, hilltops and ridgelines, views to and from the Hudson River, trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value.

(3)

To ensure compatibility between new planned residential development and surrounding existing neighborhoods.

B.

Permitted uses. Permitted principal, accessory, conditional and special permit uses in the PRD District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses. The following conditional uses shall be subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below. Cemeteries, places of worship, senior living facilities, elementary or secondary educational uses and higher learning educational uses, are permitted subject to the following:

(1)

The minimum lot size shall be 3.0 acres.

(2)

No building or part thereof or any parking or loading area shall be located within 75 feet of any street line or lot line.

(3)

The sum of all areas covered by all principal and accessory buildings shall not exceed 30% of the lot area, and the sum of all areas covered by impervious surfaces shall not exceed 50% of the lot area.

(4)

Any conditional use so permitted in and as regulated in cluster zoning in a PRD District pursuant to § 270-36.

(5)

The maximum height shall not exceed either 35 feet or 2 1/2 stories.





D.

Additional accessory uses. In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

and the requirements found in § 270-26, the following are permitted accessory uses and requirements:

(1)

Greenhouse, tool shed, subject to the requirements of § 270-27.

(2)

Wading pool or swimming pool incidental to the residential use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33.

(3)

Clubhouses and community centers constructed within a residential community for use by its residents, which shall be operated by a homeowners' association and subject to the requirements of § 270-27.

E.

Bulk requirements. Bulk requirements in the PRD District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the PRD District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

and subject to requirements specified elsewhere in this chapter.

G.

Special requirements.

(1)

All PRD developments shall have an area of not less than three acres undivided by an existing public street.

(2)

If units are attached, there shall be a minimum of two and a maximum of six dwelling units per structure. The Planning Board may allow a greater number of dwelling units within a structure upon a finding that permitting such additional units will not cause a significant adverse effect or impact on the physical or environmental conditions on the site or in the neighborhood.

(3)

The open space of a PRD development shall be designed to the greatest extent reasonably practicable to preserve the natural features of the site, including, but not necessarily limited to, water bodies, wetlands, steep slopes, hilltops, ridgelines, views to and from the Hudson River, major stands of trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value; to utilize such features in a harmonious fashion; and to enhance the visual appearance of the development. Active and passive recreation areas shall be provided, including private open space adjacent to the dwelling units. In the event that common open space is provided, it may be left in its natural state with at least 10% of the total open space area designated for active recreation activities.

(4)

All open space, including its services, facilities and utilities, that is in common ownership or control shall be located upon and within a lot or plot of land and shall be fully dimensioned and designated on the plan as representing the area of joint responsibility. The extent of each individual or group ownership, or management as may be established by ownership in full or partial fee, or leased, under deed, covenant, contract or such other conditions of usage or occupancy, shall be legally established and recorded. A description or plan of such lots shall be filed with the Tax Assessor.

(5)

The applicant for a PRD development shall provide for and establish an organization for the ownership and maintenance

of the common open space, and such organization shall not dissolve nor shall it dispose of the common space by sale or otherwise, except to an organization conceived and established to own and maintain it.

(6)

The Planning Board shall require screening at the PRD development's boundary with a single-family residential district of a type and size appropriate to mitigate any negative visual impacts from the proposed PRD development.

(7)

All property adjacent to Route 9 shall provide a one-hundred-foot buffer along the entire length of right-of-way of the roadway.

(8)

No building, other than an accessory building with ground coverage of less than 1,000 square feet, shall be located closer to another building than a distance equal to the height of whichever building has a higher elevation at its highest point and in no event less than 30 feet therefrom.

H.

Affordable housing. An applicant for a residential use in the PRD District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

I.

Density bonus incentives.

(1)

An applicant may apply to the Planning Board for one or more density bonuses in exchange for providing amenities to the Village of Ossining. The Planning Board may, at its discretion and subject to the standards and considerations set forth below, grant density bonuses as set forth in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

for developments in the PRD District in exchange for an applicant providing one or more of the following amenities:

(a)

Provision of a portion of publicly accessible RiverWalk: providing a portion of RiverWalk that shall contain a trailway having an average width of not less than 25 feet unless a lesser width is permitted by the Planning Board. The trailway shall not be less than 15 feet wide at any point except where space constraints require a reduction in width. The trailway shall consist principally of paved or wood surfaces, but may also include landscaped areas, sitting areas, benches, gazebos and suitable lighting facilities. The dimensions and location of the RiverWalk trailway may be negotiated with the Planning Board.

(b)

Provision of public park or open space: committing a significant portion of contiguous land to public park or open space use, either by conveying the land to the Village for such purposes or by other means, such as covenants and deed restrictions.

(c)

Historic preservation: preserving a significant portion of a building(s) or structure(s) identified by the Planning Board and agreed to by the Historic Review Commission as being of historical, cultural or architectural significance.

(d)

Use of green building techniques. After construction, the development would achieve LEED Gold certification or a similar level of standards. The Planning Board may modify the LEED certification level if the applicant is able to demonstrate that the particularities of the development warrant modification due to site constraints or financial hardships that are directly related to the development of the project. At a minimum, the applicant would have to achieve LEED Silver certification or similar standard. An applicant pursuing a similar standard would have to demonstrate that the green building technologies being incorporated into the project are of similar or greater efficiency in water and energy usage and produce a carbon footprint that is similar or smaller than the LEED Gold certification.

(e)

Brownfields remediation. Environmental remediation work conducted on-site that is not already substantially subsidized

by state or other funding but is required in order for the development to take place.

(f)

Contribution to non-site-related infrastructure improvements. As negotiated by the Planning Board, non-site-related improvements would be improvements that are not directly needed, required or related to the development of the proposed project but will be able to be utilized by the proposed project's residents or will indirectly improve the project or its site-related infrastructure. Infrastructure improvements may include sidewalk, street or water and sewer system improvements. This list is not exhaustive, and the Village Engineer may provide recommendations to the Planning Board.

(g)

Provision of public artwork: incorporation of publicly accessible artwork, sculpture, monument or other permanent aesthetic structure on a development site or at a designated off-site location as negotiated by the Planning Board.

(h)

Streambank restoration or stabilization: maximizing and facilitating streambank restoration or stabilization of tributaries of the Hudson River or other local streams.

(2)

The Planning Board shall grant a density bonus of 10% for each amenity offered, provided that the Planning Board finds that the amenity is proportional to such density bonus. Notwithstanding the foregoing, such bonus(es) shall not exceed the maximum number of dwelling units specified in Appendix B.

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

(3)

The bonus permitted under this subsection is a bonus in permissible density only and does not authorize deviation from or enlargement of any bulk or lot coverage restrictions.

(4)

In awarding a bonus for the amenities listed above, the Planning Board shall:

(a)

Consider the incentives being proposed by the applicant and the degree to which the proposed amenity is compatible with the goals and objectives for the zoning district and the Village as a whole.

(b)

Set forth, in detail, the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP, if applicable, and Comprehensive Plan, and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and/or historic qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community.

(c)

Set forth, in detail, the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus. The public benefit improvements provided shall be roughly proportional in nature and extent to the bonus granted, and their proportionality shall be demonstrated by the applicant and agreed to by the Planning Board. The cost of the improvements need not equal the value of the benefits granted.

## **§ 270-13 PC Planned Center District.**

A.

Purpose.

(1)

To provide for a location for retail complexes anchored by large-format stores such as supermarkets or department stores.

(2)

To encourage the upgrading of existing shopping centers within the PC District in a manner that promotes the economic



vitality of the Village and provides residents with essential retail sales and services.

(3)

To provide appropriate standards for nonretail uses to allow a broader mix of uses within a shopping complex while maintaining the economic viability of retail as the primary use.

B.

Uses.

(1)

Permitted development types in the PC District shall be shopping center.

(2)

Permitted principal, accessory, conditional and special permit uses within a shopping plaza in the PC District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses. The following conditional uses shall be subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below:

(1)

Adult entertainment, as defined in Chapter 60, Adult Entertainment, subject to the following: that no such use shall be located within 350 feet from any residential district or within 250 feet from any state highway, and any building containing an adult entertainment shall not exceed 1 1/2 stories in height.

D.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

E.

Bulk requirements. Bulk requirements in the PC District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the PC district shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

**§ 270-14 NC-1 and NC-2 Neighborhood Center Districts.**

A.

Purpose.

(1)

To provide locations for neighborhood-serving businesses in close proximity to residential districts to minimize the need for travel to run daily errands and to protect and promote the health, safety and welfare of Village residents.

(2)

To encourage neighborhood-serving businesses to cluster along designated corridors within the Village to promote business corridor identity and facilitate comparison shopping.

(3)

To provide for a diverse range of housing types within neighborhood centers while retaining businesses as the main uses in NC Districts.



(4)

To aid in the implementation of a parking strategy for each NC district to minimize the impacts of vehicular traffic in and around residential districts.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the NC Districts shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses. Residential dwelling units uses which are permitted as conditional uses shall be subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below:

(1)

Residential dwelling units shall only be permitted above nonresidential uses. No part of any residential unit shall be located on the ground floor, partially below ground or in a basement.

(2)

Residential dwelling uses shall have a main entrance to the outside that is separate from any entrance used for nonresidential uses.

(3)

The minimum habitable floor area for each dwelling unit shall be 450 square feet for an efficiency or studio unit, 600 square feet for a one-bedroom unit, 750 square feet for a two-bedroom unit and 250 additional square feet for each additional bedroom in units with three or more bedrooms.

D.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

E.

Bulk requirements. Bulk requirements in the NC Districts shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the NC Districts shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

G.

Affordable housing. An applicant for a residential use in the NC-1 or NC-2 Districts must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

**§ 270-15 VC Village Center District.**A.

Purpose.

(1)

To preserve historic downtown Ossining as the center of Village life.

(2)

To promote increased business activity in downtown Ossining by permitting uses and levels of intensity that are greater than elsewhere in the Village.



(3)

To provide opportunities for residential uses in downtown Ossining to encourage street life during the day and evening.

B.

Permitted uses. Permitted principal, accessory, conditional and special permit uses in the VC District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses. Residential dwelling uses which are permitted as conditional uses shall be subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below:

(1)

Residential dwelling units shall only be permitted above nonresidential uses. No part of any residential unit shall be located on the ground floor, partially below ground or in a basement.

(2)

Residential dwelling uses shall have a main entrance to the outside that is separate from any entrance used for nonresidential uses.

(3)

The minimum habitable floor area for each dwelling unit shall be 450 square feet for an efficiency or studio unit, 600 square feet for a one-bedroom unit, 750 square feet for a two-bedroom unit and 250 additional square feet for each additional bedroom in units with three or more bedrooms.

D.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

E.

Bulk requirements. Bulk requirements in the VC District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the VC District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

G.

Affordable housing. An applicant for a residential use in the VC District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

**§ 270-16 GB General Business District.**A.

Purpose.

(1)

To provide locations for businesses that are incompatible with residential development.

(2)

To help ensure that adequate land is available for businesses by providing a district that is exclusively for business use.

B.

Permitted uses. Permitted principal, accessory, conditional and special permit uses in the GB District shall be as



provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Accessory uses.

(1)

In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

and the requirements found in § 270-26, the following are permitted accessory uses and requirements: Light manufacturing, but there shall be no external evidence of the manufacturing processing or assembly activities other than loading and unloading, which shall be fully screened from adjacent residential districts.

(2)

In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

D.

Bulk requirements. Bulk requirements in the GB District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

and subject to the additional requirements specified in this section and elsewhere in this chapter.

E.

Parking requirements. Parking requirements in the GB District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

and subject to requirements specified elsewhere in this chapter.

**§ 270-17 P-O Professional Office District.**

A.

Purpose.

(1)

To accommodate a mix of residential and commercial uses within appropriately scaled buildings along South Highland Avenue.

(2)

To minimize impacts from commercial uses on the surrounding residential neighborhoods.

(3)

To maintain the historic character of the large homes on South Highland Avenue that have been converted to nonresidential use.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the P-O District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses. The following conditional uses shall be subject to the requirements set forth in §§ 270-26 and 270-51 and as set forth below: Residential uses shall be subject to the following requirements: The minimum habitable floor area for each dwelling unit shall be 450 square feet for an efficiency or studio unit; 600 square feet for a one-bedroom unit; 750 square feet for a two-bedroom unit; and 250 additional square feet for each additional bedroom in units with three or more bedrooms.



D.

Additional accessory uses. In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

and the requirements found in § 270-26, the following are permitted accessory uses and requirements:

(1)

Greenhouse, tool shed, subject to the requirements of § 270-27.

(2)

Wading pool or swimming pool incidental to the residential use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33.

E.

Bulk requirements. Bulk requirements in the P-O District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the P-O District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

and subject to requirements specified elsewhere in this chapter.

G.

Affordable housing. An Applicant for a residential use in the P-O District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

**§ 270-18 O-R Office and Research District.**A.

Purpose.

(1)

To provide locations for businesses that focus on offices, hotels and conference centers and commercial research and development, while preserving the natural features of the site, including wetlands, steep slopes, hilltops and ridgelines, views to and from the Hudson River, trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value.

(2)

To help ensure that adequate land is available for businesses by providing a district that is exclusively for offices, hotels and conference centers and commercial research and development uses.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the O-R District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Accessory uses.

(1)

In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

and the requirements found in § 270-26, the following accessory uses are permitted if they are an integral part of the primary use, subject to the following additional requirements:

(a)



Bars or taverns, indoor entertainment or recreation, or restaurants; provided, however, that they are an integral part of the primary use, the total square footage of such uses shall not constitute more than 30% of the building area and the site can accommodate any required additional parking.

(b)

Light manufacturing, but the use must be in connection with the principle use and there shall be no external evidence of the manufacturing processing or assembly activities other than loading and unloading, which shall be fully screened from adjacent residential districts.

(2)

In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

D.

Bulk requirements. Bulk requirements in the O-R District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

E.

Parking requirements. Parking requirements in the O-R District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

**§ 270-19 CDD Conservation Development District.**

A.

Purpose.

(1)

To provide for development that is low density and will protect the aesthetics, natural resources and environmental features of the remaining undeveloped lands within the CDD District, including preserving natural features of development sites such as wetlands, steep slopes, hilltops, ridgelines, views to and from the Hudson River, trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value.

(2)

Protecting the water quality of the streams and watercourses leading into the Hudson River, including fish, wildlife and natural vegetation; requiring the use of best management practices with respect to protection of water quality, stormwater management and erosion and sediment control;

Editor's Note: See Ch. 227, Stormwater Management and Erosion and Sediment Control.  
minimizing construction on or regrading of steeply sloped areas; enhancing the aesthetics of these natural resources to the greatest extent practicable by protecting scenic views.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the CDD shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses. The following shall also be permitted conditional uses, subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below: Cemeteries, places of worship, senior living facilities, elementary or secondary educational uses and higher learning educational uses are permitted, subject to the following:

(1)

The minimum lot size shall be 3.0 acres.



(2)

No building or part thereof or any parking or loading area shall be located within 75 feet of any street line or lot line.

(3)

The sum of all areas covered by all principal and accessory buildings shall not exceed 30% of lot area, and the sum of all areas covered by impervious surfaces shall not exceed 50% of the lot area.

(4)

The maximum height shall not exceed either 35 feet or 2 1/2 stories.

D.

Additional accessory uses. In addition to the permitted accessory uses specified in Appendix A

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

and the requirements found in § 270-26, the following are permitted accessory uses and requirements:

(1)

Greenhouse, tool shed, subject to the requirements of § 270-27.

(2)

Wading pool or swimming pool incidental to the residential use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33.

(3)

Bars or taverns, indoor entertainment or recreation; provided, however, that they are an integral part of the primary use, the total square footage of such uses shall not constitute more than 30% of the building area and the site can accommodate any required additional parking.

E.

Parking requirements. Parking requirements in the CDD District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

and subject to requirements specified elsewhere in this chapter.

F.

Special provisions applicable to CDD.

(1)

Deductions from developable land area. The land located in the CDD has been identified by the Comprehensive Plan and, if applicable, LWRP, as having unique, natural environmental features. In order to help preserve and conserve these features, the following lands shall be deducted from the developable land area for the purposes of determining whether a development proposal complies with coverage, lot area and density requirements: Wetlands shall be deducted in their entirety.

(2)

Building width and open area. The total cumulative width of buildings, structures, solid fences and walls more than 36 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line substantially parallel to the Hudson River, and the maximum building width for each structure or building shall not be more than 75 feet measured along a line substantially parallel to the Hudson River. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the Planning Board approves more than one view corridor totaling 30%. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(3)

View corridor preservation. Views of the Hudson River and/or natural features, including forested lands that are identified by the Planning Board as important, shall be studied during site plan review. Site layout and design shall consider public views and view corridors and shall also consider the importance of views of the Village from the Hudson River. A view corridor analysis, including photo simulations showing the building(s) from public vantages identified by the Planning Board, shall be required. The visual impact of buildings or portions of buildings that can be seen from public streets or

spaces shall be mitigated to the maximum extent practicable by reducing the height of the building, changing the design of the building or moving the structures to alternate locations on the site. Providing landscape screening is not an alternative to reducing building height or placement of the building in a less visible location. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(4)

Open space. Open space should be maximized. To the greatest extent reasonably practicable, any open space proposed on site plans of adjoining properties should be connected and coordinated.

(5)

Site analysis. The site plan applicant shall cause a site analysis to be prepared that shall demonstrate that the proposed application preserves and enhances the natural ecosystem on the site, including consideration of the elements listed below to the maximum extent practicable. Consideration shall be given to these elements independently and to the way they work together to form a natural ecosystem. Consideration shall also be given to historical and cultural elements that lend character to the site. The applicant shall demonstrate that the proposal incorporates the cultural heritage and community character of the Village of Ossining to the maximum extent practicable. The elements are:

(a)

Streams and other water bodies.

(b)

Forested uplands.

(c)

Views of the Hudson River, forested uplands and other natural features from public rights-of-way.

(d)

Wetlands, swamps and vernal pools.

(e)

Steep slopes and other hillsides.

(f)

Potential pedestrian connections to RiverWalk, the Croton Aqueduct and existing neighborhoods.

(g)

Archaeological sites and historical buildings.

(h)

Habitat of threatened and endangered species.

(6)

The minimum habitable floor area for each dwelling unit in the CDD shall be 450 square feet for an efficiency or studio unit, 600 square feet for a one-bedroom unit, 750 square feet for a two-bedroom unit and 250 additional square feet for each additional bedroom in units with three or more bedrooms.

G.

Affordable housing. An applicant for a residential use in the CDD District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

H.

Density bonus incentives.

(1)

An applicant may apply to the Planning Board for one or more density bonuses in exchange for providing amenities to the Village of Ossining. The Planning Board may, at its discretion and subject to the standards and considerations set forth below, grant density bonuses as set forth in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

for developments in the CDD District in exchange for an applicant providing one or more of the following amenities:

(a)

Provision of a portion of publicly accessible RiverWalk: providing a portion of RiverWalk that shall contain a trailway having an average width of not less than 25 feet unless a lesser width is permitted by the Planning Board. The trailway shall not be less than 15 feet wide at any point except where space constraints require a reduction in width. The trailway shall consist principally of paved or wood surfaces, but may also include landscaped areas, sitting areas, benches, gazebos and suitable lighting facilities. The dimensions and location of the RiverWalk trailway may be negotiated with the Planning Board.

(b)

Provision of public park or open space: committing a significant portion of contiguous land to public park or open space use, either by conveying the land to the Village for such purposes or by other means, such as covenants and deed restrictions.

(c)

Historic preservation: preserving a significant portion of a building(s) or structure(s) identified by the Planning Board and agreed to by the Historic Review Commission as being of historical, cultural or architectural significance.

(d)

Use of green building techniques. After construction, the development would achieve LEED Gold certification or a similar level of standards. The Planning Board may modify the LEED certification level if the applicant is able to demonstrate that the particularities of the development warrant modification due to site constraints or financial hardships that are directly related to the development of the project. At a minimum, the applicant would have to achieve LEED Silver certification or similar standard. An applicant pursuing a similar standard would have to demonstrate that the green building technologies being incorporated into the project are of similar or greater efficiency in water and energy usage and produce a carbon footprint that is similar or smaller than the LEED Gold certification.

(e)

Brownfields remediation. Environmental remediation work conducted on site that is not already substantially subsidized by state or other funding but is required in order for the development to take place.

(f)

Contribution to non-site-related infrastructure improvements. As negotiated by the Planning Board, non-site-related improvements would be improvements that are not directly needed, required or related to the development of the proposed project but will be able to be utilized by the proposed project's residents or will indirectly improve the project or its site-related infrastructure. Infrastructure improvements may include sidewalk, street or water and sewer system improvements. This list is not exhaustive, and the Village Engineer may provide recommendations to the Planning Board.

(g)

Provision of public artwork: incorporation of publicly accessible artwork, sculpture, monument or other permanent aesthetic structure on a development site or at a designated off-site location as negotiated by the Planning Board.

(h)

Streambank restoration or stabilization: maximizing and facilitating streambank restoration or stabilization of tributaries of the Hudson River or other local streams.

(2)

The Planning Board shall grant a density bonus of 10% for each amenity offered, provided that the Planning Board finds that the amenity is proportional to such density bonus. Notwithstanding the foregoing, such bonus(es) shall not exceed the maximum number of dwelling units specified in Appendix B.

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

(3)

The bonus permitted under this subsection is a bonus in permissible density only and does not authorize deviation from or enlargement of any bulk or lot coverage restrictions.

(4)

In awarding a bonus for the amenities listed above, the Planning Board shall:

(a)

Consider the incentives being proposed by the applicant and the degree to which the proposed amenity is compatible with the goals and objectives for the zoning district and the Village as a whole.

(b)

Set forth, in detail, the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP, if applicable, and Comprehensive Plan, and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and/or historic qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community.

(c)

Set forth, in detail, the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus. The public benefit improvements provided shall be roughly proportional in nature and extent to the bonus granted, and their proportionality shall be demonstrated by the applicant and agreed to by the Planning Board. The cost of the improvements need not equal the value of the benefits granted.

#### **§ 270-20 SP-N Station Plaza North District.**

A.

Purpose.

(1)

To encourage mixed-use development on small properties near the Metro-North train station that will protect and promote the adaptive reuse of existing architecturally noteworthy buildings.

(2)

To increase business near the train station by permitting uses that promote activity around the train station.

(3)

To provide opportunities for residential uses downtown to encourage street life during the day and evening.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the SP-N District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Conditional uses. The following conditional uses shall be subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below: All residential dwelling units shall be subject to the following requirements:

(1)

Residential dwelling units shall only be permitted above nonresidential uses. No part of any residential unit shall be located on the ground floor or in a basement.

(2)

Residential dwelling units shall have a main entrance to the outside that is separate from any entrance used for nonresidential uses.

(3)

The minimum habitable floor area for each dwelling unit shall be 450 square feet for an efficiency or studio unit, 600 square feet for a one-bedroom unit; 750 square feet for a two-bedroom unit; and 250 additional square feet for each additional bedroom in units with three or more bedrooms.

D.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor

displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

E.

Bulk requirements. Bulk requirements in the SP-N District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

F.

Parking requirements. Parking requirements in the SP-N District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

G.

Affordable housing. An applicant for a residential use in the SP-N District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

**§ 270-21 SP-S Station Plaza South District.**

A.

Purpose.

(1)

To permit development on properties near the Scarborough Metro-North train station.

(2)

To increase business by the Scarborough Metro-North train station by permitting uses that promote activity around the train station.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the SP-S District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

D.

Bulk requirements. Bulk requirements in the SP-S District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

E.

Parking requirements. Parking requirements in the SP-N District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

**§ 270-22 RDD Riverfront Development District.**

A.

Purpose: to establish a carefully designed mixed-use development plan for the riverfront area that will implement the planning goals and objectives of the Comprehensive Plan and the Local Waterfront Revitalization Plan and protect the environment and public health, safety and general welfare of the community. This purpose will be achieved by:

(1)

Permitting recreational, open space, commercial, business and residential uses that will benefit from and, in turn, enhance the unique aesthetic, recreational, historic and environmental qualities of the waterfront area.

(2)

Providing amenities, services and attractions that will draw people to the riverfront and encourage public use and enjoyment of the area.

(3)

Permitting and encouraging water-dependent and water-related uses of the area in a manner consistent with the vision and priorities expressed in the Comprehensive Plan and the Village's Local Waterfront Revitalization Plan (LWRP), if applicable.

(4)

Maximizing opportunities for public ingress to, egress from, access to and enjoyment of the riverfront area and shoreline.

(5)

Protecting the water quality of the streams and watercourses leading into the Hudson River, including fish, wildlife and natural vegetation.

(6)

Protecting the sensitive aesthetic, recreational, historic and environmental features that exist in the waterfront.

(7)

Preserving views of the Hudson River and Hudson Palisades for the maximum enjoyment and benefit by the community as a whole.

(8)

Encouraging the development of attractive, functional and appropriately scaled uses along the riverfront in a manner that will provide economic support for the Village while affirming the character of the Village as a locus of riverfront activity. Development or redevelopment should:

(a)

Encourage a proper balance of water-oriented uses, including access to and enjoyment of the waterfront area that will be compatible with other waterfront uses and objectives detailed in the Comprehensive Plan and, if applicable, LWRP, and will encourage the overall development of the Village of Ossining.

(b)

Encourage appropriate uses of this area to preserve and enhance mixed use of old industrial buildings that bring creative small businesses, artisans and entrepreneurs to the community and support the Village's economy.

(c)

Bring people to the waterfront area and ensure appropriate density of development, both commercial and residential.

(d)

Ensure appropriate location and screening of parking, utility installations and accessories, lighting and sign locations.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the RDD shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

D.

Bulk requirements. Bulk requirements in the RDD shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

E.

Parking requirements. Parking requirements in the RDD District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

F.

Special provisions applicable to the RDD.

(1)

Calculating lot area. Land below the minimum high-water mark of the Hudson River shall not be deemed developable for the purposes of calculating lot area, density or coverage.

(2)

Riverfront setback. No building, structure, parking area or loading area shall be located within 50 feet of the more inland of: the normal high-water line of the Hudson River or, if present, the inland edge of a riprap or other embankment that runs parallel to the Hudson River channel, unless its design requires a location closer to such waterline, as determined by the Planning Board; provided, however, that the Planning Board shall not permit the distance to be any less than 25 feet. Said setback of 50 feet shall be derived by measuring the average distance from any building or structure to the more inland of the normal high-water line of the Hudson River or the inland edge of a riprap or other embankment, if present, that runs parallel to the Hudson River channel. In the case where it is demonstrated to the Planning Board that the setback area is necessary to be used for parking and loading purposes due to the nature of the parcel of land, the proposed use of land, site layout and design and that the use of the setback area shall not significantly negatively impact the Hudson River, or areas prone to flooding, the riverfront setback may be reduced further as agreed to by the Planning Board during site plan approval.

(3)

Open space and water-related activities. Open space and water related activities should be maximized. To the greatest extent reasonably practicable, any open space proposed on site plans of adjoining properties should be connected and coordinated.

(4)

Building width and open area. The total cumulative width of buildings, structures, solid fences and walls more than 36 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line substantially parallel to the Hudson River, and the maximum building width for each structure or building shall not be more than 75 feet measured along a line substantially parallel to the Hudson River. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the Planning Board approves more than one view corridor totaling 30%. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(5)

View corridor preservation. Views of the Hudson River and/or natural features, including forested lands that are identified by the Planning Board as important, shall be studied during site plan review. Site layout and design shall consider public views and view corridors and shall also consider the importance of views of the Village from the Hudson River. A view corridor analysis, including photo simulations showing the building(s) from public vantages identified by the Planning Board, shall be required. The visual impact of buildings or portions of buildings that can be seen from public streets or spaces shall be mitigated to the maximum extent practicable by reducing the height of the building, changing the design of the building or moving the structures to alternate locations on the site. Providing landscape screening is not an alternative to reducing building height or placement of the building in a less visible location. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(6)

The minimum habitable floor area for each dwelling unit shall be 450 square feet for an efficiency or studio unit, 600



square feet for a one-bedroom unit, 750 square feet for a two-bedroom unit and 250 additional square feet for each additional bedroom in units with three or more bedrooms.

(7)

Planning Board factors for review. In addition to the considerations set forth in § 270-52, the Planning Board shall consider the following factors during its review of site plan applications for development within the RDD district:

(a)

The proposed use and how it achieves the purposes outlined in Subsection A above. Mixed use is considered an important factor in creating a waterfront that will draw people, commercial businesses and public use and enjoyment.

(b)

The quality and extent of views from the adjacent public streets and spaces through the property to the Hudson River.

(c)

The design and relationship of development to the waterfront as viewed from the Hudson River.

(d)

The design and function of any easement or other public access provided to the water's edge, including new bulkheading.

G.

Affordable housing. An applicant for a residential use in the RDD District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

H.

Planned Waterfront and Railway Development (PWRD) Overlay.

(1)

Policy. Among the goals of the Village of Ossining in creating and administering the PWRD use are the elimination of nonconforming uses, protection and encouragement of water-dependent and water-enhanced uses and promotion and development of mixed residential, retail, commercial and open space uses on the waterfront.

(a)

This special permit use is created in furtherance of the Comprehensive Plan for the Village and the Local Waterfront Revitalization Program (LWRP), as amended, and the Main Street and Waterfront Plan by Christopher Chadbourne & Associates, September 1994, revised 1995.

(b)

PWRD use and design controls are intended to enable the development of more desirable living and working environments than might otherwise be possible through the strict application of other sections of this chapter.

(c)

It is the policy of the Village of Ossining that PWRD special permit approval will be granted by the Village Board, subject to the criteria and special requirements set forth below.

(2)

Criteria for PWRD special permit approval:

(a)

The minimum site area shall be three acres. Note: "Site area" shall be defined in accordance with Subsection H(6)(a).

(b)

The site shall have frontage on the Hudson River and be within 500 feet of a railroad station, in order to ensure the promotion, access and use of the waterfront while reducing the need for and impact of vehicular traffic. The five-hundred-foot distance shall be measured from the station or depot building and shall not be measured from station platforms, parking areas or other accessory structures or facilities. For purposes of this special permit use only, a site shall be deemed to have frontage on the Hudson River if it is contiguous to land owned by the Village which fronts on the Hudson River and which is to be improved by the applicant for public access in accordance with Subsection H(2)(c) below and an agreement made between the Village and the applicant.

(c)

At least 95% of the site frontage along the Hudson River shall be provided as permanent publicly accessible open space in the form of park areas, passive and/or active recreation areas, children's playgrounds, plazas, pedestrian promenades, boardwalks or other similar facilities. Said open space shall have a minimum depth of 20 feet measured from the bulkhead line, or mean high-water line if no bulkheading is present.

(d)

The site development plan shall provide that at least 50% of the gross project area be permanent publicly accessible open space, which shall incorporate all the Village's policies concerning waterfront access, especially park areas, pedestrian waterfront promenades, boardwalks or other similar facilities. For purposes of this special permit use only, the "gross project area" shall include any parcel of land contiguous to the site which is owned by the Village and which is to be improved by the applicant for public access in accordance with Subsection H(2)(c) above and an agreement made between the Village and the applicant.

(e)

The site development plan shall provide for unrestricted public access to the waterfront, subject to the terms herein:

[1]

The site development plan shall provide for a mix of the uses set forth in Subsection H(2)(d) immediately below, in any ratio, provided that a minimum of 50% and a maximum of 97% of the building area shall be residential;

[2]

At least 80% of the required parking must be provided in on-site structured parking;

[3]

The applicant must demonstrate, to the satisfaction of the Village Board, that the requested density is justified by the costs of the proposal, including remediation costs associated with any environmental conditions on the site, proposed public space improvements, maintenance and security costs for the public space, the costs of structured parking and other similar factors;

[4]

At least 10% of any residential units must be set aside as affordable housing units.

Editor's Note: See Ch. 62, Affordable Housing.

"Affordable rental housing" means residential units which, for a period of not less than 25 years, shall be restricted to occupancy by households whose income is less than or equal to 80% of the Westchester County median income as determined by the United States Department of Housing and Urban Development, the rents or carrying charges of which may be met with 30% of the gross household income adjusted only for family size, excluding utilities. "Affordable sale housing" means residential units which, for a period of not less than 25 years, shall be restricted to occupancy by households whose income is less than or equal to 80% of the Westchester County median income as determined by the United States Department of Housing and Urban Development, the purchase price of which shall not exceed three times the household income. Notwithstanding the foregoing, an applicant can satisfy the affordable housing requirement by the payment to the Village of a fee-in-lieu for each approved residential unit, the amount of such per unit fee-in-lieu to be determined from time to time by the Village Board; and

[5]

All buildings must be designed to reduce impacts on views both to and from the Hudson River to the maximum extent practicable.

(3)

Permitted uses.

(a)

Restaurants other than drive-in restaurants;

(b)

Parks and recreational facilities, including outdoor performing arts space, piers and docks, including kayak-launching ramps and related uses;

(c)

Marinas, including related uses such as boat dockage, clubhouses, locker rooms, equipment sales, eating facilities and boat service facilities;

(d)

Ferry services, commercial excursion and fishing charter facilities;

(e)

Marine educational facilities;

(f)

Retail and professional/personal service establishments;

(g)

Fitness centers;

(h)

New construction of multiple-dwelling units with up to three bedrooms per unit, including buildings for condominium, fee simple, cooperative or rental occupancy;

(i)

Parking garage structures. With respect to the dimensions of the parking spaces in such a structure, notwithstanding the provisions of this chapter regarding off-street or parking lot dimension requirements, such requirements shall be:

[1]

Minimum standard parking space size shall be 8.5 feet by 18 feet;

[2]

Minimum compact parking space size shall be eight feet by 16 feet; and

[3]

Minimum aisle width for two-way traffic shall be 22 feet.

(j)

Public utility buildings or structures;

(k)

Drinking establishments;

(l)

Residential apartment buildings operated by the owner of a lower floor business; and

(m)

Specifically prohibited are uses involving biochemical, biological or animal testing laboratories.

(4)

Accessory uses.

(a)

Any use which is customarily incidental and subordinate to the principal use on the same lot;

(b)

Signs accessory to an establishment located on the same lot, subject to the requirements of Appendix A;

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

and

(c)

Swimming pools.

(5)

Special requirements. Note: Notwithstanding the provisions of this or any other section of this subsection, the Village Board may waive or alter the provisions of this Subsection H(5) where such waiver or alteration is deemed to further the purposes of this section and the policy set forth in Subsection H(1).

(a)

No building or part thereof shall be situated within five feet of any street line or lot line, except that this distance shall be increased to 50 feet where the building or part thereof abuts a residential district;

(b)

The minimum distance between principal buildings shall not be less than 50 feet;

(c)

All uses and activities which occur in the Hudson River (i.e., docks, disposal of waste) are subject to the regulations of this zone in addition to all other laws and regulations that may apply;

(d)

No portion of land below the mean high-water mark can be counted into calculations of allowable density;

(e)

New or expanded marinas shall include pump-out facilities and shall require that their clients utilize the same;

(f)

Paved walkways for pedestrian access and/or emergency access shall be permitted within a buffer area adjacent to a watercourse; and

(g)

The watercourse buffer required pursuant to § 270-28 of this chapter shall include any yard and setback requirements established herein.

(6)

Design standards.

(a)

For purposes of this special permit use only, "site" shall be defined as the land under the ownership or control of the applicant, whether or not lot lines separate that tract of land, and whether or not any parcels within that tract of land are separately taxed, so long as all such parcels and/or lots are contiguous to one another;

(b)

Maximum FAR (ratio of floor area of principal buildings, excluding any parking structures and/or mechanical/utility areas, to total land area of site): 1.5;

(c)

Maximum net density for residential uses: 48 units per acre;

(d)

Maximum number of bedrooms per unit: three;

(e)

Maximum building height: 80 feet. For purposes of a PWRD, and notwithstanding anything to the contrary in this chapter, height of a building shall be measured from the average finished grade to the level of the highest point of the roof if the roof is flat or to the mean level between the eaves and the highest point of the roof if the roof is of any other type;

(f)

Parking:

[1]

Residential uses: 1.5 spaces per dwelling unit;

[2]

Nonresidential uses: 4.25 spaces per 1,000 square feet.

(g)

PWRDs, to the extent possible, shall maintain existing views of the Hudson River from adjoining and nearby properties and streets in the Village of Ossining. The applicant shall demonstrate this by providing computer simulations or models of the project, with views from both the Hudson River (to the east) and towards the Hudson River (to the west); and

(h)

All developments shall, where it is deemed reasonable, practicable and appropriate by the permitting authority, provide:

[1]

Continuous and improved pedestrian access along or through the site;

[2]

Improved public access along the water's edge, including pedestrian walkways, open space areas and promenades. Where necessary for security purposes, reasonable restrictions on all publicly accessible open space may be imposed by the Village Board in accordance with similar restrictions placed upon other Village-owned public recreational/open areas; and

[3]

Uses open to the public, such as restaurants, shops or marinas.

(7)

Determination of density.

(a)

For purposes of determining allowable density, the area of the site shall be calculated in accordance with Subsection H(6)(a);

(b)

The transfer of real property interests to the municipality within the rezoned site shall not reduce the site area for purposes of determining allowable density, provided that said transfer occurs after approval of the project has been granted; and

(c)

Municipal or private easements or rights-of-way within the site shall not be deducted from the site area for the purpose of calculating the allowable density.

(8)

Application for site development plan approval. The procedure for submission, review and approval of a site development plan for this use shall be in accordance with the procedures and standards set forth in § 270-52 thereof, except that the approval authority for the site development plan shall be the Village Board.

## **§ 270-23 PW Planned Waterfront Districts.**

A.

Purpose: to establish a carefully designed mixed-use development plan for the waterfront area that will implement the planning goals and objectives of the Comprehensive Plan, and the Local Waterfront Revitalization Plan, and protect and promote the environment and public health, safety and general welfare of the community. This purpose will be achieved by:

(1)

Permitting recreational, open space, commercial, business and residential uses that will benefit from and, in turn, enhance the unique aesthetic, recreational, historic and environmental qualities of the waterfront area.

(2)

Providing amenities, services and attractions that will draw people to the riverfront and encourage public use and enjoyment of the area.

(3)

Protecting the water quality of the streams and watercourses leading into the Hudson River, including fish, wildlife and natural vegetation; requiring the use of best management practices with respect to protection of water quality,

stormwater management and erosion and sediment control;

Editor's Note: See Ch. 227, Stormwater Management and Erosion and Sediment Control.

minimizing construction on or regrading of steeply sloped areas; enhancing the aesthetics of these natural resources to the greatest extent feasible by protecting scenic views.

(4)

Protecting the sensitive aesthetic, recreational, historic and environmental features that exist in the waterfront.

(5)

Preserving views of the Hudson River and Hudson Palisades for maximum enjoyment and benefit by the community as a whole.

(6)

Encouraging the development of attractive, functional and appropriately scaled uses along the riverfront in a manner that will provide economic support for the Village while affirming the character of the Village as a locus of riverfront activity. Development or redevelopment should:

(a)

Encourage appropriate uses of this area to preserve and enhance mixed use of old industrial buildings that bring creative small businesses, artisans and entrepreneurs to the community and support the Village's economy.

(b)

Bring people to the waterfront area and ensure appropriate density of development, both commercial and residential.

(c)

Ensure appropriate location and screening of parking, utility installations and accessories, lighting and sign locations.

(d)

Provide means of various housing opportunities that help meet the needs of the community, including affordable housing and senior citizen housing.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the Planned Waterfront Districts shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

D.

Bulk requirements. Bulk requirements in the Planned Waterfront Districts shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

and subject to the additional requirements specified in this section and elsewhere in this chapter.

E.

Parking requirements. Parking requirements in the Planned Waterfront Districts shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

and subject to requirements specified elsewhere in this chapter.

F.

Special provisions applicable to Planned Waterfront Districts.

(1)

Open space. Open space should be maximized. To the greatest extent reasonably practicable, any open space proposed on site plans of adjoining properties should be connected and coordinated.

(2)

Building width and open area. The total cumulative width of buildings, structures, solid fences and walls more than 36 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line substantially parallel to the Hudson River, and the maximum building width for each structure or building shall not be more than 75 feet measured along a line substantially parallel to the Hudson River. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the Planning Board approves more than one view corridor totaling 30%. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(3)

View corridor preservation. Views of the Hudson River and/or natural features, including forested lands that are identified by the Planning Board as important, shall be studied during site plan review. Site layout and design shall consider public views and view corridors and shall also consider the importance of views of the Village from the Hudson River. A view corridor analysis including photo simulations showing the building(s) from public vantages identified by the Planning Board, shall be required. The visual impact of buildings or portions of buildings that can be seen from public streets or spaces shall be mitigated to the maximum extent practicable by reducing the height of the building, changing the design of the building or moving the structures to alternate locations on the site. Providing landscape screening is not an alternative to reducing building height or placement of the building in a less visible location. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(4)

The site plan applicant shall cause a site analysis to be prepared that shall demonstrate that the proposed application preserves and enhances the natural ecosystem on the site, including consideration of the elements listed below, to the maximum extent practicable. Consideration shall be given to these elements independently and to the way they work together to form a natural ecosystem. Consideration shall also be given to historical and cultural elements that lend character to the site. The applicant shall demonstrate that the proposal incorporates the cultural heritage and community character of the Village of Ossining to the maximum extent practicable. The elements are:

(a)

Streams and other water bodies.

(b)

Forested uplands.

(c)

Views of the Hudson River, forested uplands and other natural features from public rights-of-way.

(d)

Wetlands, swamps and vernal pools.

(e)

Steep slopes and other hillsides.

(f)

Potential pedestrian connections to RiverWalk, the Croton Aqueduct and existing neighborhoods.

(g)

Archaeological sites and historical buildings.

(h)

Habitat of threatened and endangered species.

(5)

The minimum habitable floor area for each dwelling unit in the PW District shall be 450 square feet for an efficiency or studio unit, 600 square feet for a one-bedroom unit, 750 square feet for a two-bedroom unit and 250 additional square

feet for each additional bedroom in units with three or more bedrooms.

G.  
Subdistricts.

(1)  
There shall be three established subdistricts within the Planned Waterfront District:

(a)  
PW-a: Northern Waterfront Subdistrict.

(b)  
PW-b: Central Waterfront — Transit-Oriented Subdistrict.

(c)  
PW-c: Central Waterfront — Hillside Subdistrict.

(2)  
The permitted uses and bulk requirements may differ among the districts and are set forth in Appendixes A and B.

Appendix A, Use Tables, and Appendix B, Bulk Requirements, are both included at the end of this chapter.

The subdistricts shall be mapped on the Village Zoning Map.

Editor's Note: The Zoning Map is on file in the offices of the Building Inspector.

H.  
Affordable housing. An applicant for a residential use in the Planned Waterfront District, or any subdistrict thereof, must provide affordable housing pursuant to the requirements of Chapter 62, Affordable Housing.

I.  
Planned Waterfront special permit:

(1)  
Purpose. Numerous contiguous lots in the Planned Waterfront District have common ownership, but are not officially assembled. Keeping those properties in common ownership will help promote the objectives of the waterfront zoning by allowing greater flexibility in site plans. These larger sites will be able to accommodate additional densities and provide more amenities to the Village than smaller, separate lots would be able to provide. Developing a planned waterfront will further the objectives outlined in the Comprehensive Plan by promoting assemblages of parcels that create opportunities for transit-oriented development surrounding the Metro-North station and Ossining Dock by in-filling parcels with diverse land uses. The purpose of this subsection is to allow the granting of a special permit that, in exchange for the provision of certain amenities, will allow increased densities for particular developments meeting the criteria below.

(2)  
Eligibility. Applications can be made for a special permit allowing for increased density in the Planned Waterfront Districts based on the procedures outlined in Article XI for parcels comprised of at least three acres. Contiguous or adjacent lots (even if separated by a public road) where the aggregate area of such lots is at least three acres and development of such lots is proposed in one integrated site plan shall qualify for such special permit.

(3)  
As part of the site plan for the planned development, the applicant must include the following:

(a)  
Lots under the same ownership that are part of this special permit application shall be combined and considered as one lot.

(b)  
Provision of at least one amenity pursuant to Subsection I(4) immediately below.

(c)  
Provision of affordable housing pursuant to the requirements of the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.



(4)

Density bonus incentives. An applicant may apply to the Planning Board for one or more density bonuses in exchange for providing amenities to the Village of Ossining. The Planning Board may, at its discretion and subject to the standards and considerations set forth below, grant density bonuses as set forth in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

for developments in the PW District in exchange for an applicant providing one or more of the following amenities:

(a)

Provision of a portion of publicly accessible RiverWalk: providing a portion of RiverWalk that shall contain a trailway having an average width of not less than 25 feet, unless a lesser width is permitted by the Planning Board. The trailway shall not be less than 15 feet wide at any point except where space constraints require a reduction in width. The trailway shall consist principally of paved or wood surfaces, but may also include landscaped areas, sitting areas, benches, gazebos and suitable lighting facilities. The dimensions and location of the RiverWalk trailway may be negotiated with the Planning Board.

(b)

Provision of public park or open space: committing a significant portion of contiguous land to public park or open space use, either by conveying the land to the Village for such purposes or by other means such as covenants and deed restrictions.

(c)

Historic preservation: preserving a significant portion of a building(s) or structure(s) identified by the Planning Board and agreed to by the Historic Review Commission as being of historical, cultural or architectural significance.

(d)

Use of green building techniques. After construction, the development would achieve LEED Gold certification or a similar level of standards. The Planning Board may modify the LEED certification level if the applicant is able to demonstrate that the particularities of the development warrant modification due to site constraints or financial hardships that are directly related to the development of the project. At a minimum, the applicant would have to achieve LEED Silver certification or similar standard. An applicant pursuing a similar standard would have to demonstrate that the green building technologies being incorporated into the project are of similar or greater efficiency in water and energy usage and produce a carbon footprint that is similar or smaller than the LEED Gold certification.

(e)

Brownfields remediation: environmental remediation work conducted on site that is not already substantially subsidized by state or other funding but is required in order for the development to take place.

(f)

Contribution to non-site-related infrastructure improvements. As negotiated by the Planning Board, non-site-related improvements would be improvements that are not directly needed, required or related to the development of the proposed project but will be able to be utilized by the proposed project's residents or will indirectly improve the project or its site-related infrastructure. Infrastructure improvements may include sidewalk, street or water and sewer system improvements. This list is not exhaustive, and the Village Engineer may provide recommendations to the Planning Board.

(g)

Provision of public artwork: incorporation of publicly accessible artwork, sculpture, monument or other permanent aesthetic structure on a development site or at a designated off-site location as negotiated by the Planning Board.

(h)

Streambank restoration or stabilization: maximizing and facilitating streambank restoration or stabilization of tributaries of the Hudson River or other local streams.

(5)

The Planning Board shall grant a density bonus of 10% for each amenity offered, provided that the Planning Board finds that the amenity is proportional to such density bonus. Notwithstanding the foregoing, such bonus(es) shall not exceed the maximum number of dwelling units specified in Appendix B.

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

(6)

The bonus permitted under this subsection is a bonus in permissible density only and does not authorize deviation from or enlargement of any bulk or lot coverage restrictions.

(7)

In awarding a bonus for the amenities listed above, the Planning Board shall:

(a)

Consider the incentives being proposed by the applicant and the degree to which the proposed amenity is compatible with the goals and objectives for the zoning district and the Village as a whole.

(b)

Set forth, in detail, the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP, if applicable, and Comprehensive Plan, and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and/or historic qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community;

(c)

Set forth, in detail, the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus. The public benefit improvements provided shall be roughly proportional in nature and extent to the bonus granted, and their proportionality shall be demonstrated by the applicant and agreed to by the Planning Board. The cost of the improvements need not equal the value of the benefits granted.

#### **§ 270-24 IR Institutional/Redevelopment District.**

A.

Purpose. To establish a carefully designed mixed-use redevelopment plan for the Sing Sing Correctional Facility area that will implement the planning goals and objectives of the Comprehensive Plan and the Local Waterfront Revitalization Plan and protect the environment and public health, safety and general welfare of the community. This purpose will be achieved by:

(1)

Permitting recreational, open space, commercial, business and residential uses that will benefit from and, in turn, enhance the unique aesthetic, recreational, historic and environmental qualities of the waterfront area.

(2)

Providing amenities, services and attractions that will draw people to the riverfront and encourage public use and enjoyment of the area.

(3)

Permitting and encouraging water-dependent and water-related uses of the area in a manner consistent with the vision and objectives expressed in the Village's Comprehensive Plan and, if applicable, the Local Waterfront Revitalization Plan (LWRP).

(4)

Maximizing opportunities for public ingress to, egress from, access to and enjoyment of the riverfront area and shoreline.

(5)

Protecting the water quality of the streams and watercourses leading into the Hudson River, including fish, wildlife and natural vegetation.

(6)

Protecting the sensitive aesthetic, recreational, historic and environmental features that exist in the waterfront.

(7)

Preserving views of the Hudson River and Hudson Palisades for maximum enjoyment and benefit by the community as a whole.

(8)

Encouraging the development of attractive, functional and appropriately scaled uses along the riverfront in a manner that will provide economic support for the Village while affirming the character of the Village as a locus of riverfront activity. Development or redevelopment should:

(a)

Encourage a proper balance of water-oriented uses, including access to and enjoyment of the waterfront area, that will be compatible with other waterfront uses and objectives and will encourage the overall development of Ossining.

(b)

Encourage appropriate uses of this area to preserve and enhance mixed use of old institutional buildings that could bring creative small businesses, artisans and entrepreneurs to the community and support the Village's economy.

(c)

Bring people to the waterfront area and ensure appropriate density of development, both commercial and residential.

(d)

Ensure appropriate location and screening of parking, utility installations and accessories, lighting and sign locations.

B.

Uses. Permitted principal, accessory, conditional and special permit uses in the IR District shall be as provided in Appendix A.

Editor's Note: Appendix A, Use Tables, is included at the end of this chapter.

C.

Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

D.

Bulk requirements. Bulk requirements in the IR District shall be as provided in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.  
and subject to the additional requirements specified in this section and elsewhere in this chapter.

E.

Parking requirements. Parking requirements in the IR District shall be as provided in Appendix C

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.  
and subject to requirements specified elsewhere in this chapter.

F.

Special provisions applicable to the IR District.

(1)

Calculating lot area. Land below the minimum high-water mark of the Hudson River shall not be deemed developable for the purposes of calculating lot area, density or coverage.

(2)

Riverfront setback. No building or structure shall be located within 50 feet of the more inland of: the normal high-waterline of the Hudson River or, if present, the inland edge of a riprap or other embankment, unless its design requires a location closer to such waterline, as determined by the Planning Board; provided, however, that the Planning Board shall not permit the distance to be any less than 25 feet. Said setback of 50 feet shall be derived by measuring the average distance from any building or structure to the more inland of the normal high-water line of the Hudson River or the inland edge of a riprap or other embankment, if present, except that no part of any building or structure shall be closer than 25 feet to the more inland of the normal high-water line or the inland edge of a riprap or other embankment, if present. No parking or loading area shall be situated within such setback.

(3)

Open space and water-related activities. Open space and water-related activities should be maximized. Where possible, any open space proposed on site plans of adjoining properties should be connected and coordinated.

(4)

Building width and open area. The total cumulative width of buildings, structures, solid fences and walls more than 36 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line substantially parallel to the Hudson River, and the maximum building width for each structure or building shall not be more than 75 feet measured along a line substantially parallel to the Hudson River. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the Planning Board approves more than one view corridor totaling 30%. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(5)

View corridor preservation. Views of the Hudson River and/or natural features, including forested lands that are identified by the Planning Board as important shall be studied during site plan review. Site layout and design shall consider public views and view corridors and shall also consider the importance of views of the Village from the Hudson River. A view corridor analysis, including photo simulations showing the building(s) from public vantages identified by the Planning Board, shall be required. The visual impact of buildings or portions of buildings that can be seen from public streets or spaces shall be mitigated to the maximum extent practicable by reducing the height of the building, changing the design of the building or moving the structures to alternate locations on the site. Providing landscape screening is not an alternative to reducing building height or placement of the building in a less visible location. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

(6)

Site analysis. The site plan applicant shall cause a site analysis to be prepared that shall demonstrate that the proposed application preserves and enhances the natural ecosystem on the site, including consideration of the elements listed below, to the maximum extent practicable. Consideration shall be given to these elements independently and to the way they work together to form a natural ecosystem. Consideration shall also be given to historical and cultural elements that lend character to the site. The applicant shall demonstrate that the proposal incorporates the cultural heritage and community character of the Village of Ossining to the maximum extent practicable. The elements are:

(a)

Streams and other water bodies.

(b)

Forested uplands.

(c)

Views of the Hudson River, forested uplands and other natural features from public rights-of-way.

(d)

Wetlands, swamps and vernal pools.

(e)

Steep slopes and other hillsides.

(f)

Potential pedestrian connections to RiverWalk, the Croton Aqueduct and existing neighborhoods.

(g)

Archaeological sites and historical buildings.

(h)

Habitat of threatened and endangered species.

(7)

The minimum habitable floor area for each dwelling unit in the IR District shall be 450 square feet for an efficiency or

studio unit, 600 square feet for a one-bedroom unit, 750 square feet for a two-bedroom unit and 250 additional square feet for each additional bedroom in units with three or more bedrooms.

G.

Affordable housing. An applicant for a residential use in the IR District must provide affordable housing pursuant to the requirements of Chapter 62, Affordable Housing.

H.

Density bonus incentives.

(1)

An applicant may apply to the Planning Board for one or more density bonuses in exchange for providing amenities to the Village of Ossining. The Planning Board may, at its discretion and subject to the standards and considerations set forth below, grant density bonuses as set forth in Appendix B

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

for developments in the IR District in exchange for an applicant providing one or more of the following amenities:

(a)

Provision of a portion of publicly accessible RiverWalk: providing a portion of RiverWalk that shall contain a trailway having an average width of not less than 25 feet, unless a lesser width is permitted by the Planning Board. The trailway shall not be less than 15 feet wide at any point except where space constraints require a reduction in width. The trailway shall consist principally of paved or wood surfaces, but may also include landscaped areas, sitting areas, benches, gazebos and suitable lighting facilities. The dimensions and location of the RiverWalk trailway may be negotiated with the Planning Board.

(b)

Provision of public park or open space: committing a significant portion of contiguous land to public park or open space use, either by conveying the land to the Village for such purposes or by other means, such as covenants and deed restrictions.

(c)

Historic preservation: preserving a significant portion of a building(s) or structure(s) identified by the Planning Board and agreed to by the Historic Review Commission as being of historical, cultural or architectural significance.

(d)

Use of green building techniques. After construction, the development would achieve LEED Gold certification or a similar level of standards. The Planning Board may modify the LEED certification level if the applicant is able to demonstrate that the particularities of the development warrant modification due to site constraints or financial hardships that are directly related to the development of the project. At a minimum, the applicant would have to achieve LEED Silver certification or similar standard. An applicant pursuing a similar standard would have to demonstrate that the green building technologies being incorporated into the project are of similar or greater efficiency in water and energy usage and produce a carbon footprint that is similar or smaller than the LEED Gold certification.

(e)

Brownfields remediation: environmental remediation work conducted on site that is not already substantially subsidized by state or other funding but is required in order for the development to take place.

(f)

Contribution to non-site-related infrastructure improvements. As negotiated by the Planning Board, non-site-related improvements would be improvements that are not directly needed, required or related to the development of the proposed project but will be able to be utilized by the proposed project's residents or will indirectly improve the project or its site-related infrastructure. Infrastructure improvements may include sidewalk, street or water and sewer system improvements. This list is not exhaustive, and the Village Engineer may provide recommendations to the Planning Board.

(g)

Provision of public artwork: incorporation of publicly accessible artwork, sculpture, monument or other permanent aesthetic structure on a development site or at a designated off-site location as negotiated by the Planning Board.

(h)

Streambank restoration or stabilization: maximizing and facilitating streambank restoration or stabilization of tributaries of the Hudson River or other local streams.

(2)

The Planning Board shall grant a density bonus of 10% for each amenity offered, provided that the Planning Board finds that the amenity is proportional to such density bonus. Notwithstanding the foregoing, such bonus(es) shall not exceed the maximum number of dwelling units specified in Appendix B.

Editor's Note: Appendix B, Bulk Requirements, is included at the end of this chapter.

(3)

The bonus permitted under this subsection is a bonus in permissible density only and does not authorize deviation from or enlargement of any bulk or lot coverage restrictions.

(4)

In awarding a bonus for the amenities listed above, the Planning Board shall:

(a)

Consider the incentives being proposed by the applicant and the degree to which the proposed amenity is compatible with the goals and objectives for the zoning district and the Village as a whole.

(b)

Set forth, in detail, the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP, if applicable, and Comprehensive Plan, and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and/or historic qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community;

(c)

Set forth, in detail, the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus. The public benefit improvements provided shall be roughly proportional in nature and extent to the bonus granted and their proportionality shall be demonstrated by the applicant and agreed to by the Planning Board. The cost of the improvements need not equal the value of the benefits granted.

## **§ 270-25 HADD Historical and Architectural Design Districts and Historic Landmarks; Historic Preservation Commission.**

A.

Purpose. It is the purpose of this section to promote the educational, cultural, economic and general welfare of the public through the creation, protection, enhancement, perpetuation and preservation of Historical and Architectural Design Districts and Historic Landmarks. The Board of Trustees of the Village of Ossining, New York, declares that it is a public purpose to ensure that the distinctive and historical character of Historical and Architectural Design Districts and Historic Landmarks shall not be injuriously affected, that the value to the community of buildings having architectural and historical worth shall not be impaired, and that said Historical and Architectural Design Districts and Historic Landmarks shall be maintained and preserved to promote their use for the education, pleasure and welfare of the citizens of the Village of Ossining, New York, and others.

B.

Historic Preservation Commission.

(1)

There shall be a Historic Preservation Commission consisting of seven members appointed by the Village Manager of the Village of Ossining.

(a)

All members shall have a known interest in historic preservation and architectural development within the Village of Ossining.

(b)

The membership of the Commission shall include:

[1]

At least one member with practical experience in the field of architecture or urban design;

[2]

At least one member with practical experience in urban planning, land development or real estate;

[3]

At least one member who is a resident of a designated Historical District or of a property that has been designated as a local historic landmark; and

[4]

At least one member who has demonstrated significant interest in and commitment to the field of historic preservation or local history, evidenced either by involvement in a historic preservation group or historical society, employment or volunteer activity in the field of historic preservation, or other practical demonstration of interest.

(c)

It is not necessary to appoint a separate Commission member to fulfill each of the above categories. A single member with the requisite experience or expertise can fulfill more than one of the categories.

(2)

Members are to be appointed for terms of five years, provided that of those members first taking office, one shall be appointed for one year, one for two years, one for three years, one for four years and one for five years. Members may serve for more than one term, and each member shall serve until the appointment of a successor. The Commission shall annually elect one of its members as Chairman.

(3)

At least four members of the Historic Preservation Commission shall constitute a quorum for the transaction of its business or the performance of its functions, and the concurring vote of three members of the Historic Preservation Commission shall be necessary for the adoption of any recommendations, motions or other acts of the Historic Preservation Commission.

(4)

The Historic Preservation Commission shall adopt rules for the transaction of its business which shall provide for the time and frequency of its meetings. They shall hold meetings monthly (unless not needed) and shall provide for the calling of special meetings as needed. All regular or special meetings of the Commission shall be open to the public, and any person or his duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its conclusions.

(5)

The Commission shall submit an annual report of its activities to the Village Board of Trustees.

(6)

The Commission shall cause to be published checklists and application forms which shall specify the materials required of each application for designation of landmarks or historic districts or for a certificate of appropriateness and the number of copies to be submitted.

(7)

The Historic Preservation Commission may request the Village Board of Trustees to retain or employ professional consultants, or other such personnel as may be necessary to perform its functions, subject to budgetary appropriation by the Village Board.

(8)

The duties of the Historic Preservation Commission shall be as follows:

(a)

To hear applications for and recommend the designation of landmarks and historic districts to the Board of Trustees in accordance with the procedures set forth herein;

(b)

To hear and approve or disapprove applications for certificates of appropriateness pursuant to the criteria set forth herein;

(c)

To determine whether an application submitted to it pursuant to this section is complete and to hear and decide requests for waivers of required application items; and

(d)

To hear applications for and recommend to the Board of Trustees the donation of facade easements.

(9)

The Historic Preservation Commission shall have the following additional powers which it may exercise as it deems appropriate or at the request of the Board of Trustees, Board of Architectural Review or Planning Board.

(a)

To develop a plan for the protection, preservation and enhancement of places and features of architectural or historical significance;

(b)

To designate identified structures or resources as landmarks or historic districts;

(c)

To conduct surveys of buildings for the purpose of determining those of historical, architectural and cultural landmarks and historic districts within the Village;

(d)

To formulate recommendations concerning the preparation of maps, brochures and historical markers for selected historical and/or architectural sites and landmarks;

(e)

To cooperate with and advise municipal agencies and officials in matters involving historical and/or architectural sites and landmarks pursuant to, but not limited to, Subsection C of this section;

(f)

To develop and participate in public education programs to increase public awareness of the value of historic, cultural and architectural preservation;

(g)

To advise owners of historical buildings on issues of restoration and preservation;

(h)

To advise the Village Board of Trustees with respect to the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the Village;

(i)

To advise the Village Board of Trustees with respect to the acquisition of a landmark structure where its preservation is essential to the purposes of this section and where private preservation is not feasible; and

(j)

To advise the Village Board of Trustees concerning the acquisition of facade easements or other interests in real property, as necessary, to carry out the purposes of this section.

C.

Designation of landmark or historic district.

(1)

Application procedure.

(a)

Application for designation shall be made, in writing, to the Historic Preservation Commission or by the Historic



Preservation Commission and shall include a brief outline of the location of the district or landmark and the reasons why it should be considered, as well as all items required by the application checklist and forms published by the Commission. For an historic district, a description of the general character of the area is also required.

(b)

The Historic Preservation Commission shall, within 90 calendar days of a complete application, prepare a report giving an opinion on the application, hold a public hearing on the application and issue a recommendation on the application to the Board of Trustees. Notice of the hearing shall appear at least seven days in advance of the hearing in the local newspaper. At the public hearing, a formal presentation may be made by the applicants. Documentation and evidence shall be entered regarding the historical and architectural quality of the proposed landmark or district, and statements may be made by interested parties relating to the merits of such designation. The record may also contain staff reports, public comments or other evidence offered outside of the hearing, provided such reports, comments and evidence are introduced and marked at the hearing.

(c)

An application shall be provided to the Planning Board and Board of Trustees, in such number of copies as may be required by the Planning Board Secretary and Village Clerk, at the time of submission to the Historic Preservation Commission.

(d)

The Planning Board may review and make recommendations to the Commission on the application at or prior to the public hearing.

(e)

Following a positive recommendation of the designation by the Historic Preservation Commission, the Board of Trustees shall take up the application. The Board shall hold a public hearing on the application, with notice given at least seven days in advance of the hearing in the local newspaper. The Board of Trustees shall give notice of such public hearing to the owners of the parcels being considered for designation, including all parcels situated within a proposed historical district, at least 14 days before the public hearing by either personal delivery or certified mail, return receipt requested. At the hearing, the Board of Trustees shall consider the report and recommendation of the Historic Preservation Commission and the evidence that was entered into the record at the hearing held by the Commission. New evidence may also be entered into the record at the Board of Trustees' hearing by the Board, the Commission or any interested party. Following the close of the Board of Trustees' hearing, the Board shall render a final decision using the criteria set forth in § 270-25C(5)(a).

(f)

The Board of Trustees' decision may be appealed to the New York State Supreme Court for review by a proceeding under Article 78 of the New York State Civil Practice Law and Rules.

(2)

Upon entertaining an application for designation, notice that such application is being considered shall be given by the Historic Preservation Commission at least 30 days before the public hearing by either personal delivery or certified mail, return receipt requested, to the owners of the parcels being considered for designation, including all parcels situated within a proposed historical district, and to the Building Department.

(3)

Upon receipt of notice that the Historic Preservation Commission is considering an area for designation as an historic district or a building or property for landmark status, the Building Department shall not issue any permit for the demolition, alteration or improvement of properties within the stated boundaries of said proposed district or historic landmark until and unless final determination has been made that said proposed district or landmark has been denied designation.

(4)

Upon designation as a Historical and Architectural Design District or Historic Landmark, no building permit shall be issued except pursuant to Subsections E and F of this section.

(5)

Determination of appropriateness of designation of landmark or historic district.

(a)

In determining the appropriateness of designation of a Historical and Architectural Design District or Historic Landmark, the following criteria shall be followed in addition to any other factors which the Commission or Board of Trustees might consider pertinent under the individual circumstances:

[1]

Historical and Architectural Design District (HADD). An area of the Village which contains properties which meet one or more of the criteria for designation as a landmark and, by reason of possessing such qualities, constitutes a distinct section of the Village. The boundaries of each HADD designated henceforth shall be specified, in detail, and shall be filed, in writing, in the Village Clerk's office for public inspection.

[2]

Historic Landmark. A building, structure or parcel of land not located in a designated HADD, which possesses one or more of the following characteristics:

[a]

Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation; or

[b]

Is identified with historic personages; or

[c]

In the case of structures, embodying distinctive characteristics of a type, period or method of construction or representing the work of a master or possessing unique architectural and artistic qualities or representing a significant and distinguishable entity; or

[d]

Which has been duly included on the National Register of Historic Places, maintained by the United States Secretary of the Interior, or which has been duly included on the New York State Historic and Natural Districts Inventory or New York State Archaeological Site Inventory, maintained by the New York State Office of Parks, Recreation and Historic Preservation; or

[e]

Because of unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

D.

Donation of facade easements.

(1)

Application procedure.

(a)

Application for donation of facade easements shall be made, in writing, to the Historic Preservation Commission by the property owner and shall include a brief outline of the location of the facade and the reasons why it should be considered, as well as all items required by the application checklist and forms published by the Commission.

(b)

The Historic Preservation Commission shall, within 90 calendar days of a complete application, prepare a report giving an opinion on the application, hold a public hearing on the application and issue a recommendation on the application to the Board of Trustees. Notice of the hearing shall appear at least seven days in advance of the hearing in the Village's official newspaper. At the public hearing, a formal presentation may be made by the applicants. Documentation and evidence shall be entered regarding the historical and architectural quality of the proposed landmark or district, and statements may be made by interested parties relating to the merits of such designation. The record may also contain staff reports, public comments or other evidence offered outside of the hearing, provided such reports, comments and evidence are introduced and marked at the hearing.

(c)

Following a positive recommendation of the designation by the Historic Preservation Commission, the Board of Trustees shall take up the application. The Board shall hold a public hearing on the application, with notice given at least seven days in advance of the hearing in the Village's official newspaper. At the hearing, the Board of Trustees shall consider the report and recommendation of the Historic Preservation Commission and the evidence that was entered into the record at the hearing held by the Commission. New evidence may also be entered into the record at the Board of Trustees' hearing by the Board, the Commission or any interested party. Following the close of the Board of Trustees' hearing, the Board shall render a final decision.

(d)

If the Board of Trustees denies the application, the decision may be appealed to the New York State Supreme Court for review by a proceeding under Article 78 of the New York State Civil Practice Law and Rules.

(2)

Upon receipt of notice that the Historic Preservation Commission is considering a facade easement, the Building Department shall not issue any permit for the demolition, alteration or improvement of the facade until and unless final determination has been made that said proposed district has been denied designation.

(3)

Upon acceptance of the facade easement, no building permit shall be issued except pursuant to Subsections E and F of this section.

(4)

Determination of appropriateness of designation. In determining the appropriateness of designation of a facade easement, the following criteria shall be followed, in addition to any other factors which the Commission might consider pertinent under the individual circumstances: The building is in a designated Historical and Architectural Design District or is a designated Historic Landmark.

E.

Regulated conduct for alteration, demolition or new construction affecting landmarks or historic districts. Application. This section shall apply to all buildings, structures, outbuildings, walls, fences, steps, topographical features, earthworks, paving and signs within a district or on a landmark property and to buildings covered by facade easement agreements. No changes in any feature, including, but not limited to, construction, reconstruction, alteration or removal and demolition, shall be made nor shall a building permit be issued for such proposed work until a certificate of appropriateness has been issued by the Historic Preservation Commission except as hereinafter provided in Subsection K(1).

F.

Procedure for alteration, demolition or new construction affecting landmarks or historic districts.

(1)

The Historic Preservation Commission shall classify all buildings within a district so as to differentiate between those structures that contribute to the district's historical and architectural value and those that do not. An historic properties survey shall be conducted at an interval of no more than every 20 years to ensure that the Commission's records are current.

(2)

The Historic Preservation Commission shall develop a listing of changes that may be commenced on buildings or sites classified as landmarks or historic districts. Such changes shall be such that the Commission feels they will not substantially cause to deteriorate or lower the overall architectural and historical ambience and character of the district. This listing of changes shall guide property owners and tenants in the district and the Historic Preservation Commission in determining whether or not a proposed exterior change will significantly affect the character of the Historical and Architectural Design District.

(3)

The Historic Preservation Commission may grant certificates of appropriateness for proposed changes not appearing on the listing of changes if they determine that the proposed changes will not be detrimental to the district or to the landmark. The Historic Preservation Commission shall hold a public meeting on the application, with notice given at least seven days in advance of the hearing in the Village's official newspaper. The Historic Preservation Commission may provide rules for participants wishing to speak in favor or against an application to follow at public meetings. The

Commission shall act upon a properly completed application form within 60 days of the monthly submission deadline. Failure of the Commission to take action within the prescribed period of time shall constitute approval.

(a)

The following criteria will be used when granting a certificate of appropriateness:

[1]

Properties contributing to the historic character of the district shall be retained, with minimal alteration to their features;

[2]

Alteration of existing properties shall maintain compatibility with their historic character and that of the surrounding district; and

[3]

New construction shall be compatible with the overall architectural and historic character of the district.

(b)

To determine compatibility with existing historic and architectural character, the following factors shall be considered:

[1]

The proposed new construction or alteration's general design, appropriateness and character in relation to the property itself, surrounding properties and the neighborhood;

[2]

The scale of the proposed new construction or alteration in relation to the property itself, surrounding properties and the neighborhood;

[3]

Materials, color and texture and their relation to similar features of other neighborhood properties;

[4]

Visual compatibility with existing neighborhood properties, including the proportions of the property's front facade, arrangement and proportion of windows and other openings within the facade, roof shape and the rhythm of spacing of properties on the street, including setback; and

[5]

The importance of historic, architectural or other related features to the significance of the property.

(4)

Notwithstanding any inconsistent ordinance, local law, code, rule or regulation concerning the issuance of building permits, no change in any exterior design or in a district, landmark or building covered by a facade easement agreement shall be commenced without a certificate of appropriateness from the Historic Preservation Commission nor shall any building permit for such change be issued without such a certificate of appropriateness having first been issued. The certificate of appropriateness required by this section shall be in addition to and not in lieu of any building permit that may be required by any law, local law, code, rule or regulation of the Village of Ossining.

(5)

Application for a certificate of appropriateness shall be made, in writing, upon forms prescribed by the Historic Preservation Commission and shall be accompanied by the required fee as set forth in the fee schedule of the Village Board

Editor's Note: The Schedule of Fees is on file in the Village offices.  
and shall contain the following:

(a)

Name, address and telephone number of the applicant;

(b)

Location of buildings, structures or land;

(c)

The exterior architectural features which are proposed to be changed;

(d)

Building elevations that include the proposed change;

(e)

Samples of colors or materials to be used in the proposed change;

(f)

Where the proposed change includes signs or lettering, a scale drawing showing the type of lettering, all dimensions and colors, a description of materials to be used and the method of illumination, if any, and a plan showing the location on the building or property; and

(g)

Such other information as may be from time to time required.

(6)

If an applicant requires Board of Architectural Review approval as well, application for a certificate of appropriateness shall be made simultaneously with the filing of an application with the Board of Architectural Review.

(7)

Application for certificates of appropriateness for nonstructural changes to buildings shall be exempt from providing elevations or perspective drawings.

(8)

New construction shall be sympathetic with and not disruptive of architectural styles or historic value in an historic district and shall generally conform to the United States Secretary of the Interior's Standards for Rehabilitation.

G.

Issuance of certificate of appropriateness. Within 30 days after an application is heard before the Historic Preservation Commission and is deemed complete or within such further time as the applicant may allow, the Historic Preservation Commission shall determine whether the proposed construction, reconstruction or alteration of the exterior architectural feature involved will be appropriate to the preservation of the district or landmark for the purposes of this section. In passing upon appropriateness, the Historic Preservation Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the exterior architectural feature involved and the relationship thereof to the exterior architectural features of other structures in the immediate neighborhood and the Secretary of the Interior's standards for rehabilitation. Failure of the Historic Preservation Commission to take action within the prescribed period of time shall constitute approval.

H.

Hardship.

(1)

In such cases where it can be demonstrated that denial of a certificate of appropriateness for construction, reconstruction or alteration of an exterior architectural feature will involve a substantial hardship to the applicant, such a certificate may be issued if it can also be shown that though inappropriate to the structure involved, said proposed action will not adversely affect the district generally. Such a certificate may be issued without substantial detriment to the public welfare and without substantial deviation from the intent and purposes of this section. The applicant may apply for appropriate relief from the requirements of this article or conditions imposed by the Commission. In order to prove the existence of hardship, an applicant shall establish that whether for income-producing purposes or for private use, it is either unable to make any economically viable use of the property or that the property's value is reduced to the extent that only a bare residue of the value remains.

(2)

An applicant may seek relief from the Commission for the denial of a certificate of appropriateness for a proposed demolition if substantial hardship can be proven in accordance with the provisions of this section. In order to prove the existence of hardship, an applicant whose certificate of appropriateness for a proposed demolition has been denied shall

establish that:

(a)

The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;

(b)

The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(c)

Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

(3)

A hardship applicant whose primary purpose or mission is philanthropic, eleemosynary, religious or charitable and whose certificate of appropriateness was proposed in furtherance of philanthropic, eleemosynary, religious or charitable purposes shall establish that the Commission's action seriously interferes with the applicant's ability to continue the current use of the property and seriously interferes with the applicant's philanthropic, eleemosynary, religious and charitable purposes.

(4)

The Commission may solicit expert testimony or require that the applicant make submissions concerning any or all of the following information before it makes a determination on the application for relief:

(a)

An estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the decision of the Commission.

(b)

A report from a licensed engineer or architect with demonstrated qualifications and experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

(c)

The estimated market value as determined by a qualified appraiser of the property:

[1]

In its current condition;

[2]

After completion of the proposed construction, alteration, demolition or removal;

[3]

After any changes recommended by the Commission; and

[4]

In the case of a proposed demolition, after renovation of the existing property for continued use.

(d)

In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation regarding the economic feasibility of rehabilitation or reuse of the existing structure on the property.

(e)

The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

(f)

If the property is income producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation and annual cash flow before and after

debt service, if any, during the same period.

(g)

The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.

(h)

All appraisals obtained within the previous two years by the owner or applicant in connection with purchase, financing or ownership of the property.

(i)

Any listing of the property for sale or rent, the price asked and offers received, if any, within the previous two years.

(j)

The assessed value of the property according to the two most recent assessments.

(k)

Real estate taxes for the previous two years.

(l)

The form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.

(m)

Any other information deemed necessary by the Commission to make a determination of economic hardship.

I.

Appeals. Any person aggrieved by a decision of the Historic Preservation Commission relating to a hardship or a certificate of appropriateness may, within 30 days of the decision, file a written application with the Zoning Board of Appeals for review of the decision. Reviews shall be conducted based on the same record that was before the Commission and using the same criteria.

J.

Enforcement shall be pursuant to this chapter.

K.

Maintenance and repair required.

(1)

Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within and contributing to an historic district which does not involve a change in design, material, color or outward appearance. Nothing in this section shall be construed to prevent the construction, reconstruction, alteration or demolition or issuance of a building permit of any exterior architectural feature which the Building Inspector shall determine is required by public safety because of dangerous or unsafe conditions.

(2)

No owner or person with an interest in real property designated as a landmark or a contributing building within an historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Historic Preservation Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration include:

(a)

Deterioration of exterior walls or other vertical supports;

(b)

Deterioration of roofs or other horizontal members;

(c)

Deterioration of exterior chimneys;

(d)

Deterioration or crumbling of exterior stucco or mortar;

(e)

Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors;

(f)

Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety; and

(g)

Demolition by intent or neglect.

**ARTICLE V Additional Standards (§ 270-26)**

**§ 270-26 Additional standards for use groups.**

A.

Interpretation of this article.

(1)

All uses and buildings shall be subject to the bulk requirements of the district in which they are located except as modified in this section. The standards in this article shall be deemed to be the minimum necessary to accommodate the uses listed herein in a manner that protects the public health, safety and general welfare of the Village of Ossining for all permitted, conditional, special permit and accessory uses.

(2)

Where a use listed in this article requires a conditional use permit or a special permit, the standards herein shall be treated as requirements for the granting of such permit. The requirements shall be in addition to those in Article X and Article XI.

B.

Commercial use group.

(1)

Intensive animal-related uses.

(a)

All buildings and structures housing animals or exercise areas for said animals shall be 50 feet from any residential use or district boundary line.

(b)

All buildings housing animals for overnight stays shall be soundproofed and entirely closed such that no animal shall be permitted to gain access to the outdoors between the hours of 10:00 p.m. and 7:00 a.m.

(c)

Adjacent properties shall be adequately buffered and screened from noise, odors and an unsightly appearance.

(d)

Animal cadavers and contaminated materials shall be disposed of in accordance with applicable local, county and state regulations.

(2)

Bar or tavern uses.

(a)

Adjacent properties shall be adequately buffered and screened from noise and odors.

(b)

For bars that bottle beverages for off-premises sales:





[1]

The bottling area may not occupy an area greater than 10% of the floor area of the customer service area provided in the bars.

[2]

The operation of the bottling operation shall not cause off-site disturbance due to noise, vibration, odor, hours of operation or electrical interference.

(3)

Entertainment or recreation uses, indoor:

(a)

All buildings for entertainment or recreation uses which are approved to be open after 10:00 p.m. shall be soundproofed and entirely closed such that nearby residences are not affected by the inside activities.

(b)

All indoor entertainment or recreation uses shall cease operations by 12:00 midnight unless otherwise approved by the Planning Board.

(4)

Entertainment or recreation uses, outdoor:

(a)

All outdoor entertainment or recreation uses shall cease operations by 11:00 p.m.

(b)

Outdoor lighting shall be arranged and shielded so as not to project beyond the boundaries of the property.

(c)

No outdoor entertainment, music or public address system, nor any other forms of noise generation, shall be permitted within the outdoor recreation area between the hours of 10:00 p.m. and 8:00 a.m.

(d)

Outdoor recreation shall cease operations by 10:00 p.m., Sunday through Wednesday, and 11:00 p.m., Thursday through Saturday.

(e)

Adjacent properties shall be adequately buffered and screened from noise.

(5)

Lodging uses: hotels.

(a)

All rooms shall be connected to interior hallways and thereby to elevators, stairwells or lobbies, through which access to the exterior shall be provided.

(b)

Conference facilities shall be permitted as an accessory use and shall be subject to the parking requirements for places of assembly.

(c)

Other typical uses associated with hotel lodging uses, such as retail sales, restaurants or indoor entertainment or recreation shall be deemed as accessory uses and permitted in the O-R, Planned Waterfront and RDD Districts. Such accessory uses shall be part of or attached to the principal building and adhere to the bulk requirements of that district.

(d)

Outdoor recreational facilities such as swimming pools and tennis courts may be permitted but shall be no closer than 30 feet to the property boundary of a residential use or residential zone boundary and shall be reasonably screened from the view of neighboring properties.

(e)

Outdoor lighting shall be arranged and shielded so as not to project beyond the boundaries of the property.

(f)

No outdoor public address or music system shall be used.

(6)

Lodging uses: bed-and-breakfast establishments.

(a)

The applicant shall be the owner of the premises and a full-time resident of the premises.

(b)

The property and structures thereon shall conform to the lot area, yard and other requirements for the zoning district in which the property and structures are located unless a variance has been granted by the Zoning Board of Appeals.

(c)

It shall be determined by the Planning Board that the size and shape of the lot on which the establishment is proposed can accommodate the proposed patrons and parking.

(d)

No paying guest shall stay on any one visit for more than 14 days.

(e)

The premises in which a bed-and-breakfast establishment is operated shall have a minimum of one off-street parking space per bedroom designated as available for overnight guests.

(f)

The only meals to be furnished shall be one daily morning meal per paying guest. A restaurant may be operated as a second principal use on the premises only if the use is allowed in the zoning district and subject to all requirements of this chapter.

(g)

In business districts where residential units are not prohibited on the first floor (such as the PC, SP-N, NC-1 and NC-2 Districts) and the applicant is requesting to have the bed-and-breakfast as a single principal use where residential uses will be on the first floor, it shall be determined that the proposed bed-and-breakfast 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 development of adjacent properties in accordance with the zoning classification of such properties.

(h)

A bed-and-breakfast conditional use approval shall be issued for an initial period established by the granting board of not more than three years and shall thereafter be renewable every three years by the board that granted it. The permit shall expire upon a change of ownership of the dwelling, and the new owner shall be required to seek a new permit in order to continue the operation of the bed-and-breakfast establishment. The Building Department shall reissue the permit after approval of said board and an inspection of the premises finds it to be in compliance with all applicable codes, the requirements of this section and the provisions of the original approval.

(7)

Office uses, live-work.

(a)

The minimum unit size shall not be less than 1,000 square feet, including both office and residential areas.

(b)

Live-work units shall only be permitted atop of nonresidential uses, and no part of any live-work unit shall be located on the ground floor or in a basement in the VC, NC-1, NC-2 or SP-N Districts.

(c)

No more than two employees who do not reside in the unit shall be permitted to work in the unit.

(d)

All live-work units shall be subject to a recertification by the Building Department every three years upon the anniversary of the granting of their certificate of occupancy. The Building Department shall reissue the permit after an inspection of the premises finds it to be in compliance with all applicable codes, the requirements of this section and the provisions of the original approval. The applicant shall be required to certify that all units continue to be utilized under the terms originally specified for the granting of the conditional or special permit.

(8)

Parking as a principal use.

(a)

Surface parking lots for the general public shall be screened from the street with a decorative fence or wall not to exceed three feet in height. Fences should be of a decorative metal variety, and vinyl fences shall not be permitted on street frontages. Walls should be faced with decorative brick or stone. A fence no taller than 6.5 feet shall be permitted at side and rear elevations.

(b)

Structured parking facilities shall be subject to all of the bulk requirements for the district in which they are located.

[1]

Parking is not permitted in the portion of the first floor (or of any basement or cellar not entirely below ground) extending a minimum of 40 feet back from the front building line. Such area shall be utilized for another permitted principal use in the zoning district in which the building is located, such as a retail store.

[2]

Notwithstanding the above, in a building on a corner lot, parking is permitted in the front portion of the first floor (or basement not entirely below ground) facing the street with the lower traffic function. Along the street frontage, such parking shall be concealed with facade materials comparable to those used on the remainder of the building. To the extent practical, eye-level fenestration with translucent, but not transparent, glass shall be provided, or the portion of the building devoted to parking shall be screened with evergreen plantings.

[3]

To avoid creating gaps in the pedestrian frontage, the entrance to the internal parking on a corner lot should be situated on the street with the lower traffic function.

(c)

All vertical parking systems must either be enclosed in a parking structure or located underground.

(9)

Funeral parlors, taxidermists, mortuaries and crematoriums.

(a)

Adequate off-street parking and loading areas shall be provided, including at least one loading berth and an off-street pickup and dropoff area.

(b)

The operation shall not cause off-site disturbance due to noise, vibration, odor or hours of operation.

(10)

Retail sales and service uses, outdoor sales-oriented.

(a)

The hours of operation for outdoor illumination and public address systems in the outdoor sales area shall be limited from the hours of 7:00 a.m. to 10:00 p.m.

(b)

Outdoor sales areas shall be suitably screened from dwellings and residential districts.

(c)

The site plan shall delineate areas for parking and areas for outdoor display and sales of merchandise. No area

designated for parking on the site plan shall be used for sales, display or storage without approval of the Planning Board.

(d)

All outdoor areas in which products are stored and which are not part of the sales operation or intended for access by the general public shall be deemed outdoor storage and shall meet the requirements for the same as set forth in this chapter.

(e)

Outdoor areas used for the display and sale of building materials, such as lumber, glass, and trim, and landscaping materials other than plants, shall meet the screening requirements for outdoor storage.

C.

Vehicles sales and service use group.

(1)

Permitted uses.

(a)

General.

[1]

Fuel pumps and canopies.

[2]

Car washes and auto detailing.

[3]

Air pump stations and cases for the display of petroleum products and automotive accessories for retail sale, provided that such equipment does not exceed seven feet in height.

[4]

Indoor retail sales, limited to 1,500 square feet and subject to the setback and buffer requirements for buildings in the zoning district.

[5]

Outdoor storage, not to exceed 10% of the lot area.

(b)

General plus.

[1]

All uses permitted in general, above.

[2]

Automobile repair, limited to two service bays, but excluding body work or repairs of equipment other than automobiles.

(c)

Intensive.

[1]

All uses permitted in general, above.

[2]

Repairs of automobiles and other motor vehicles.

[3]

Sales of automobiles and other motor vehicles.

[4]

Outdoor storage.

(2)

General standards applicable to all vehicle-related uses.

(a)

The facility shall comply with all local, county and state environmental regulations and shall ensure that harmful or hazardous materials are properly disposed of. Drainage of such materials into public streets, storm or sanitary sewers, bodies of water or into the ground is prohibited.

(b)

Adequate receptacles shall be provided for the deposit of all waste material. There shall be adequate provision for disposal of trash and refuse left on the premises.

(c)

Adequate space shall be provided on the site for all the elements of the motor vehicle use to be incorporated on the site, including provision for off street parking for the maximum number of motor vehicles and off-street loading and unloading. No loading shall occur across curbs and sidewalks. Adequate access and egress with appropriate turning radii to the site shall be provided, as well as adequate queuing and turnaround space on the site so that at no time is street traffic disrupted or blocked by vehicles entering or leaving the site. Queuing of vehicles on the street or shoulder waiting to enter the site shall not be permitted.

(d)

All loading and parking areas for vehicles shall be paved, curbed and drained in accordance with Village specifications.

(e)

Curbs shall be constructed so as to channel all traffic to permitted curb cuts. There shall be no more than two curb cuts on any single street frontage for that property.

(f)

When located adjacent to a residential district or use, a dense planting of evergreen bushes or trees to a width of at least 10 feet, in addition to a fence, shall be provided to block headlight glare and muffle noise from motor vehicles.

(g)

All service, storage and trash areas and electrical and mechanical equipment shall be completely screened from view from any public street or adjacent property.

(h)

Display lighting shall be shielded and shall be so located and maintained as not to constitute a hazard or nuisance to the traveling public or neighbors.

(i)

The maximum permitted height of a luminaire shall be 20 feet. A luminaire shall have a total cutoff of light at an angle of 45° from vertical or greater with a maximum permitted illumination at the property line of one footcandle at ground level. There shall be no external lighting on the fascia of a canopy; all canopy lights shall be directed downward.

(j)

Outdoor lighting should be directed away from the residential properties.

(k)

Any lighting shall be shielded to direct light onto the established uses and away from adjacent property, but it may be of sufficient intensity to discourage vandalism and theft. However, access and lighting shall not be permitted on a side facing a residential area, unless a sufficiently high landscaped berm can be provided to completely shield the building and lighting from residences.

(l)

Properties adjacent to residential districts shall have the hours of operation for lighting limited to 7:00 a.m. to 10:00 p.m., and outdoor public address systems shall be limited to the hours of 8:00 a.m. to 8:00 p.m.

(3)

Standards for components of a vehicle-related use.

(a)

Fuel pump islands.

[1]

Minimum setback from street: 25 feet.

[2]

Minimum setback from other property lines: 15 feet.

[3]

One kiosk to shelter an attendant shall be permitted within each pump island.

(4)

Canopies over fuel pumps.

(a)

Minimum setback from street: 15 feet.

(b)

Minimum setback from other property lines: five feet.

(c)

Maximum height: 15 feet.

(5)

Driveways.

(a)

Maximum width of curb cut: 20 feet.

(b)

Minimum distance from intersection or other driveway: 25 feet.

(c)

Minimum distance from adjoining property line: 10 feet.

(d)

Outdoor storage shall be subject to all of the requirements of this chapter for outdoor storage.

(6)

Car washes.

(a)

Adequate off-street stacking space shall be provided for at least four vehicles per wash station.

(b)

Vehicles shall not be stored on the premises overnight unless the Planning Board grants approval for outdoor storage as an accessory use.

(7)

Vehicle repairs.

(a)

All repairs shall take place in a fully enclosed building or in a yard which is fully screened from all adjoining properties and public streets. Outdoor repairs shall not be permitted in a front yard or within 25 feet of a residential district.

(b)

No vehicle repairs or storage shall take place within a public right-of-way. Vehicles that are stored for any length of time before or after repairs are done shall be subject to the screening requirements for outdoor storage.

(c)

Vehicle repair garage doors should face toward the side yard or, on a corner lot, the street with the lower traffic impact.

(d)

Repair buildings shall comply with the setback requirements for buildings in the district.

(8)

Vehicle sales.

(a)

A landscaped area at least three feet in width shall be provided between the public sidewalk and any outdoor vehicle display area. The area shall be landscaped with shrubs and shall not be used for the display of vehicles.

(b)

Sales buildings shall comply with the setback requirements for buildings in the district.

(c)

The site plan shall indicate how maneuvering and access will be handled. Vehicles shall be arranged neatly on the site and shall not be stored or displayed in areas needed for maneuvering and access.

D.

Civic and institutional uses.

(1)

Permitted buildings, structures and outdoor uses on facility property. All uses shall be subject to approval of the Planning Board and all accessory structures and outdoor uses shall be listed in the resolution of approval, including any of the following:

(a)

Athletic and recreation facilities.

(b)

Maintenance facilities.

(2)

A steeple or other religious design feature shall be clearly related to the religious purpose, shall not expand the capacity of the facility to accommodate people and shall not exceed the actual building height by more than 20 feet.

(3)

All interior spaces within school buildings to be utilized for potentially noise-generating activities shall be sufficiently sound insulated and separated from adjacent residential structures so as to avoid any noise nuisance.

(4)

A screened buffer of a minimum of 15 feet shall be required adjacent to any residential district or, if the subject property is within a residential district, any residential use.

(5)

Additional standards for facilities with more than 5,000 square feet of floor area are as follows:

(a)

An off-street dropoff and pickup area and loading berth shall be provided.

(b)

The minimum setback to any residential use or district shall be 35 feet, and no parking or loading shall be located within the thirty-five-foot setback.

(6)

Intensive infrastructure and utilities shall meet all applicable county, state, and federal regulations and be adequately screened and subject to the performance standards listed in the industrial use group.

E.

Industrial use group.

(1)

All industrial uses shall have a screened buffer of a minimum of 15 feet.

(2)

The minimum setback shall be 35 feet, and no parking or loading shall be located within the thirty-five-foot setback.

(3)

All industrial uses shall be subject to the performance standards below:

(a)

An application for a building permit or certificate of occupancy for a use subject to the performance standards procedure shall include a plan of the proposed construction and a description of the proposed machinery, operations and products and specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements. The applicant shall also file with such plans an affidavit acknowledging his/her understanding of the applicable performance standards and stating his/her agreement to conform with same at all times. During the course of site development plan review, the Planning Board will determine if the applicant's proposal falls within the performance standards.

(b)

The Planning Board may require a report by one or more expert consultants retained by the Board, or retained by the applicant and approved by the Board, to advise as to whether the proposed use will conform to the applicable performance standards. The consultant shall report to the Board within one month, and a copy of his/her report shall be promptly furnished to the applicant. The cost of any such special reports by expert consultants shall be paid by the applicant.

(c)

Fire and explosion hazards. All activities involving and all storage of flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of federal, state and local laws and regulations shall also apply.

(d)

Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines, nor shall any vibration produced exceed 0.002g peak at up to 50 CPS frequency, measured at or beyond the lot lines using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than 50 CPS frequency or a periodic vibration shall not induce accelerations exceeding 0.001g at the lot line. Single impulse periodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding 0.01g at the lot line. In addition, please see Chapter 123, Explosives and Blasting.

(e)

Noise. The maximum sound level radiated by any use or facility at any lot line shall not exceed the values designated in Chapter 178, Noise.

(f)

Smoke, dust and other atmospheric pollutants.

[1]

The emission of smoke and other particulate matter shall not be permitted, regardless of quantity, if it will be in any way detrimental to the public health, safety, welfare or comfort or a source of damage to the property. Emissions must also conform to all requirements of local, state and federal air quality regulations.

[2]

Method of measurement of smoke. For the purpose of grading the density of smoke, the Ringelmann Smoke Chart shall be used to determine the total smoke units emitted. A reading shall be taken every minute for an hour, or less than an hour, until the total smoke units emitted exceeds the number allowed by these regulations. Each reading shall be multiplied by the number of minutes during which it was observed and the product added.



[3]

Maximum permitted emission of smoke. There shall be no measurable emission of smoke, gas or other atmospheric pollutant. The emission of one smoke unit per hour and smoke with discernible density of No. 1 on the Ringelmann Smoke Chart shall be prohibited.

[4]

Maximum permitted emission of dust. The emission of dust related to combustion for indirect heating from any source shall not exceed 0.30 pounds of dust per thousand pounds of flue gas adjusted to 50% excess air for combustion. There shall be no measurable emission of dust or particulate matter not related to combustion for indirect heating. All properties shall be suitably improved and maintained with appropriate landscaping and paving, or other type of improvement, so that there will be no measurable windblown dust or other similar types of air pollution created.

[5]

Odorous matter. No land use shall be permitted which emits any discernible odor outside the building in which the use is conducted.

[6]

Toxic or noxious matter. No use shall be permitted which will cause any dissemination whatsoever of toxic or noxious matter outside the building in which the use is conducted.

(g)

Radiation and electromagnetic interference.

[1]

Radiation. The handling, storage or disposal of radioactive materials or waste byproducts, whether or not licensed by the Atomic Energy Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter 1, Part 20, of the Code of Federal Regulations, Standards for Protection Against Radiation, as amended, and in accordance with any other applicable laws or regulations.

[2]

Electromagnetic interference. No operation shall be permitted which produces any detrimental electromagnetic interference with normal radio or television reception or computer operations in any area within or without the Village.

(h)

Liquid or solid wastes. The discharge of any or all wastes shall be permitted only if in accordance with all standards, laws and regulations of the Westchester County Health Department, New York State Department of Environmental Conservation or any other regulatory agency having jurisdiction. Facilities for the storage of solid waste shall be so located and designed as to be screened from the street or from any adjoining property and so as to discourage the breeding of rodents or insects.

(i)

Direct glare. "Direct glare" is defined for the purpose of this chapter as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent or arc lighting or from such high temperature processes as welding, or petroleum or metallurgical refining. No such direct glare shall be permitted, with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60°, drawn perpendicular to the ground, and with the exception that such angle may be increased to 90° if the luminary is less than four feet aboveground. Such luminaries shall be placed not more than 16 feet above ground level, and the maximum illumination at ground level shall not be in excess of three footcandles.

(j)

Indirect glare. "Indirect glare" is defined for the purpose of this chapter as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination at the property line of one footcandle at ground level. Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

F.

Accessory use group.

(1)

Outdoor dining.

(a)

Outdoor dining areas shall only be permitted in conjunction with a permitted restaurant.

(b)

Applicants seeking to have outdoor dining on public sidewalk property must obtain a sidewalk cafe permit as per Chapter 216, Sidewalk Cafes.

(c)

The outdoor dining area located on sidewalks shall be sited so as to preserve a width of at least four feet for pedestrian movement. The Planning Board shall require a wider clear area in areas with heavy pedestrian traffic.

(d)

The outdoor dining area may be located in the front yard or on the sidewalk of a public street, but where located in any side or rear yard adjacent to a residential zone boundary or residential use shall maintain an evergreen screen and fence to a height of no less than six feet.

(e)

No outdoor entertainment, music or public address system, nor any other forms of noise generation, shall be permitted within the outdoor dining area between the hours of 10:00 p.m. and 8:00 a.m.

(f)

Outdoor dining shall cease operations by 10:00 p.m., Sunday through Wednesday, and 11:00 p.m., Thursday through Saturday.

(g)

All other requirements concerning outdoor dining on public sidewalk property must meet the standards outlined in Chapter 216, Sidewalk Cafes.

(2)

Outdoor storage.

(a)

No flammable or explosive liquids, solids or gases shall be stored aboveground. No more fuel than is necessarily required for the principal use shall be stored on the premises.

(b)

All outdoor storage facilities shall be enclosed by a fence, wall or screening adequate to conceal such facilities and the contents thereof from adjacent property and shall meet all required setbacks and buffers for the district in which they are located. This provision shall not apply to outdoor storage of new cars or other vehicles on the premises of automobile sales or automobile rental establishments.

(c)

No materials or wastes shall be stored on any premises in such form or manner that they may be transferred off such premises by natural causes or forces, such as wind or rain.

(d)

All materials or wastes which might cause fumes or dust, or which constitute a fire hazard or which may be edible by, or otherwise attractive to, rodents or insects, shall be stored outdoors only in enclosed containers.

(e)

No material or equipment stored outdoors shall exceed a height of 10 feet above grade within 20 feet of a property line adjacent to residential districts. In no case shall material or equipment stored exceed the height of the principal building on the property.

(f)

Outdoor displays. Incidental outdoor displays such as seasonal items shall be permitted, provided the requirements for outdoor retail sales establishments are met.

(3)

Drive-through facilities.

(a)

If the principal use is a drive-through associated with a food establishment such as a restaurant or fast-food chain, the facility shall comply with Chapter 145, Food Establishments.

(b)

Adequate receptacles shall be provided for the deposit of all waste material. There shall be adequate provisions for disposal of trash and refuse left on the premises.

(c)

Adequate space shall be provided on the site for all the elements of the associated primary use to be incorporated on the site, including provisions for off-street parking for the maximum number of motor vehicles and off-street loading and unloading. Adequate access and egress with appropriate turning radii to the site shall be provided, as well as adequate queuing and turnaround space on the site so that at no time is street traffic disrupted or blocked by vehicles entering or leaving the site. Queuing of vehicles on the street or shoulder waiting to enter the site shall not be permitted.

(d)

Curbs shall be constructed so as to channel all traffic to permitted curb cuts. There shall be no more than two curb cuts as a result of the drive-through on any street frontage.

(e)

When located adjacent to a residential district or use, a fence, in addition to dense planting of evergreen bushes or trees to a width of at least 10 feet, shall be provided to block headlight glare and muffle noise from motor vehicles. The evergreen screening should be located to the benefit of the neighbors.

(f)

Display lighting shall be shielded and shall be so located and maintained as not to constitute a hazard or nuisance to the traveling public or neighbors.

(g)

The hours of operation for lighting and outdoor public address systems for a drive-through shall be limited to 8:00 a.m. to 10:00 p.m. unless otherwise negotiated by the Planning Board during site plan approval.

(4)

Home-based business.

(a)

No display of goods shall be visible from the exterior of the building.

(b)

Such occupation is incidental to the residential use of the premises and is carried on in the main building.

(5)

Home occupations.

(a)

Such occupation is incidental to the residential use of the premises and is carried on in the main building.

(b)

Off-street parking shall be provided in addition to the required residential parking and is set forth in Appendix C, Parking Requirements.

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

## **ARTICLE VI Supplementary Regulations (§ 270-27 — § 270-37)**

### **§ 270-27 Residence districts (S-50, S-75, S-100, S-125, T, MF-1, MF-2 and PRD).**

A.

Accessory buildings.



(1)

An accessory building may be located in any required side or rear yard, provided that:

(a)

Such buildings shall not exceed 15 feet in height from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat and mansard roofs and to the mean height between eave and ridge for other types of roofs.

(b)

Such buildings shall be set back five feet from any lot line.

(c)

All such buildings in the aggregate shall not have a building area greater than 750 square feet and shall not occupy more than 30% of the area of the required rear or side yard.

(2)

An accessory building on that portion of a lot not included in any required yard shall conform with the height regulations for principal buildings, and all such buildings in the aggregate shall not have a building area greater than 950 square feet and shall be set back 10 feet from any lot line.

(3)

No accessory building shall project nearer to the street on which the principal building fronts than such principal building.

B.

Corner lots.

(1)

Obstruction to vision at street intersections. At all street intersections in all residence districts and in all other districts requiring a front yard of 15 feet or more, 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.

(2)

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.

C.

Through lots. On a through lot, front yards are required on all street lines.

D.

Lot widths.

(1)

Any other requirement notwithstanding, no lot width shall be less than 35 feet, measured along the street line.

(2)

Flag lots must have the following minimum frontage on a street in the following districts:

(a)

S-50: 20 feet.

(b)

S-75: 30 feet.

(c)

S-100: 40 feet.

(d)

S-125: 50 feet.

(3)

All flag lots will require, in addition to subdivision approval, site plan approval. All flag lot setbacks are to be figured from the rear lot line of the on-street property in front of them. In order for the Planning Board to approve a flag lot site plan they must make a finding that:

(a)

The flag lot will be suitable for the property on which it is proposed, considering the property's size, location, topography and natural resources; and

(b)

The flag lot will not result in an undesirable change that will be produced in the character of the neighborhood or a detriment to nearby properties.

E.

Exceptions to yard requirements.

(1)

Permitted obstructions. Chimneys, cornices or cantilevered roofs may project not more than three feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six inches into a required yard. Fences or walls under 6.5 feet in height may be erected anywhere on the lot, except as set forth in Subsections B and E(2). Fences or walls with a height in excess of 6.5 feet shall conform to the requirements set forth herein for buildings. Paved areas (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street line or four feet of any lot line.

(2)

Restrictions on permitted front yard walls and fences in residential districts. Except as otherwise provided in Subsection B(1), no wall or solid fence in excess of three feet in height shall be erected in the front yard of any residential district.

(3)

Entries and porticoes. A roofed-over but completely 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 wall of the building, shall be exempt from front yard or rear yard requirements when the building otherwise complies with all other yard restrictions of this chapter.

(4)

Front yards on narrow streets. On streets with a right-of-way of less than 50 feet, the front yard setback shall be measured from the center line of the existing right-of-way, and 25 feet shall be added to the front yard setback.

(5)

Structures permitted in yards. The placing of ornamental fountains, gatehouses and other structures for security or traffic control purposes of a nonhabitable type may be permitted in any yard upon approval of the Planning Board and Board of Architectural Review.

F.

Height exceptions. The height limitations of this chapter shall not apply to bell towers and steeples, and, in addition, rooftop bulkheads, elevator penthouses, water towers, fire towers, hose towers, cooling towers or air-conditioning or heating equipment, provided that such features shall not occupy, in the aggregate, more than 10% of the area of the roof of a building and are set back from the edge of the roof at least one foot for each one foot by which such features exceed the maximum height otherwise specified for the district in which they are located. All mechanical equipment located on the tops of buildings shall be visually screened, subject to Planning Board approval.

G.

All properties that are adjacent to or contain a watercourse shall provide a buffer of 25 feet on each side of the watercourse.

H.

Courts. The minimum dimension of an inner court shall not be less than twice the height of all surrounding walls. However, in no case shall an inner court have a dimension of less than 30 feet. The height of walls surrounding an inner court shall be measured from finished grade at the base thereof to the top of such wall, except that, in the case of roofs with a slope exceeding five inches vertical to 12 inches horizontal, the height shall be measured to the mean point

between the top of said wall and the highest point of the rood. The minimum dimension of an outer court shall be 20 feet, and its depth shall not exceed its width.

**§ 270-28 Nonresidential districts (CDD, O-R, PW-a, PW-b, PW-c, SP-N, SP-S, VC, PC, NC-1, NC-2, GB and P-O).**

**A.**

Height exceptions. The height limitations of this chapter shall not apply to bell towers and steeples, and, in addition, rooftop bulkheads, elevator penthouses, water towers, fire towers, hose towers, cooling towers or air-conditioning or heating equipment, provided that such features shall not occupy, in the aggregate, more than 10% of the area of the roof of a building and are set back from the edge of the roof at least one foot for each one foot by which such features exceed the maximum height otherwise specified for the district in which they are located. All mechanical equipment located on the tops of buildings shall be visually screened, subject to Planning Board approval.

**B.**

Waiver of yards. No side yard or rear yard shall be required where such yard abuts an operating railroad right-of-way.

**C.**

Access. Whenever feasible, access to lots having frontage on more than one street shall be from a nonresidential street.

**D.**

Obstruction to vision at street intersection. At all street intersections in all districts requiring a front yard of 15 feet or more, 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 the line drawn between points along such street lines 30 feet distant from their point of intersection.

**E.**

Through lots. On a through lot, front yards are required on all street lines.

**F.**

All properties that are adjacent to or contain a watercourse shall provide a buffer of 25 feet on each side of the watercourse.

**§ 270-29 Signs.**

**A.**

No sign, billboard, advertising display or structure, poster or device shall be erected, moved, enlarged or reconstructed except as expressly permitted in this chapter.

**B.**

Signs for uses in the residential use group.

**(1)**

For a home-based business or live-work unit, one nameplate or professional sign no larger than two square feet in area which shall be fixed flat to the main wall of the building and shall not project more than six inches. Illumination shall be shielded from neighboring uses, shall be permitted only during regular professional hours and, in no case, later than 9:00 p.m. and shall be restricted to white light.

**(2)**

One real estate sign, either single- or double-faced, freestanding or attached to a building, not larger than four square feet in area, on any one or more adjacent lots in single ownership, advertising the sale or lease of only the premises on which it is maintained. Such sign shall not be illuminated.

**(3)**

For a multifamily residence, not more than one building identification sign, of an area not greater than 14 square feet and located in the front or side yard or on the building facade. Such sign shall not be illuminated unless approved by the Planning Board. All approved illumination shall be shielded from neighboring properties.

**C.**

Signs for uses in the civic and institutional use group.



(1)

In residential and nonresidential districts, uses in the civic and institutional use group shall be permitted one bulletin board or other announcement sign with an area of not more than 12 square feet.

(2)

In districts other than residential districts, uses in the civic and institutional use group shall also be permitted the signs allowed for commercial and industrial uses.

(3)

In residential districts, not more than one building identification sign, of an area not greater than 14 square feet and located in the front or side yard or on the building facade. Such sign shall not be illuminated unless approved by the Planning Board. All approved illumination shall be shielded from neighboring properties.

D.

Signs for uses in the commercial and industrial use group. All uses in the commercial and industrial groups should be awarded the opportunity of being able to promote their business through signage. In districts other than residential districts, uses in the commercial and industrial use group shall be permitted the following signs:

(1)

Wall-mounted signs. There shall be permitted one or more wall-mounted signs identifying one or more businesses within the building, subject to the following:

(a)

The signs shall be affixed to the principal facade of the building or in the window.

(b)

There shall not be more than one sign for each tenant in the building on the principle facade, and for corner lots or freestanding buildings a sign for each tenant may be placed on two facades.

(c)

The area encompassing the outer limits of all signs on the principal facade, measured on the wall of the building, shall not be greater than two square feet for each one-foot width of building facade. On buildings having signs on two faces, the area of the sign on the second facade shall be 1/2 the allowable sign area in front or 40 square feet, whichever is less.

(d)

An awning sign shall be permitted as an alternative to the wall-mounted sign, provided that no tenant in a building shall have both an awning sign and a wall-mounted sign on the same facade. Awning signs shall be permitted above the first floor, but all awnings on the building must match in color and material and all windows on the same floor must be covered with an awning.

(e)

Awning signs on the first floor may project up to four feet from the facade. Awnings projecting four feet or more must have lighting provided under the canopy. Awnings projecting less than four feet are not required to be lighted.

(f)

A building shall be permitted additional wall-mounted signs in the rear only if the rear yard faces a property in a zone district other than a residential district and there is a rear public entrance, and further provided that the number of rear wall-mounted signs shall not be greater than the number of tenants in the building. The maximum size of all rear wall-mounted signs shall not be greater than one square foot for each two feet of rear building width. No more than two faces of the building shall have signs.

(2)

Flag. There shall be permitted one flag per building identifying one or more businesses in the building, subject to the following:

(a)

The flag shall be affixed to brackets that project from the upper part of the first story or the second story of the building.

(b)

All flags shall be installed at least 10 feet above ground level.

(c)

Flags shall be installed and maintained so as not to create a safety hazard for pedestrians or vehicular traffic and shall be subject to the approval of the building inspector.

(d)

The maximum surface area of the flag shall be 30 square feet on each side.

(e)

No flag or brackets shall project more than five feet from the building facade.

(f)

The horizontal dimension of the flag shall not be greater than the vertical dimension.

(g)

All flags shall be made of nylon, polyester or rayon.

(3)

Projecting sign. There shall be permitted one projecting sign per building identifying one or more businesses in the building, subject to the following:

(a)

Projecting signs shall be installed at least 10 feet above ground level, shall be installed and maintained so as not to create a safety hazard for pedestrians or vehicular traffic and shall be subject to the approval of the building inspector.

(b)

No projecting sign shall project more than four feet from the facade of the building or shall measure more than 12 square feet in surface area on each side.

(4)

Hanging sign. A small hanging sign, double faced and not more than three square feet per side, shall be permitted to be attached to the underside of a canopy or gallery over a sidewalk in shopping centers for each first-floor tenant.

(5)

Door lettering. Lettering shall be permitted on glass doors at the entrances to commercial establishments, provided that no background other than glass shall be permitted.

(6)

Freestanding signs.

(a)

For a building set back at least 15 feet from the street, there shall be permitted a single freestanding sign of not greater than 25 square feet identifying the business or businesses located therein, located in the front or side yard, set back at least 10 feet and not more than 30 feet in height.

(b)

For a building with more than one frontage, where both frontages are set back at least 15 feet from the street, a second freestanding sign shall be permitted. The second sign shall not be greater than 16 square feet in area and no more than 20 feet in height.

(c)

Shopping centers.

[1]

For a shopping center set back more than 15 feet from the street, a single freestanding sign shall be permitted.

[a]

The sign shall measure not more than 400 square feet on each side in the PC District or 100 square feet on each side in



any other district.

[b]

The sign shall be set back at least 10 feet and shall not be more than 30 feet in height.

[c]

The sign shall advertise the name of the shopping center and not more than eight tenants therein.

[2]

A shopping center with more than one frontage, set back at least 15 feet on both frontages, shall be permitted two freestanding signs.

[a]

The second freestanding sign shall measure not more than 100 square feet on each side in the PC District nor more than 25 square feet on each side in any other district.

[b]

The sign shall not create visual obstruction of vehicular traffic and shall not be more than 20 feet in height.

[c]

The sign shall advertise the name of the shopping center and not more than six additional tenants therein.

(7)

For a gasoline station, one sign embedded in each face of the gas station canopy shall be permitted, provided that each such sign shall not be more than two feet in height by five feet in width and shall not be internally illuminated. The maximum size of signage on gas pumps shall be four square feet in area on each side of each pump.

(8)

Directional signs for vehicles. Within parking lot and driveway areas, signs may be erected, as needed, to direct patrons to specific businesses and to control traffic. Each such sign shall measure no greater than six square feet in area and shall be no more than four feet in height. Signs may include the names of businesses, directional words such as "in" and "out," and similar information, but no other advertising shall be permitted. The directional signage within each property should be designed with a uniform theme, and the signs should be placed in a manner that avoids clutter and does not distract drivers.

(9)

Directional signs for pedestrians. For a building with a front setback measuring 10 feet or greater, one freestanding sign to guide pedestrians to the entrance shall be permitted for each 100 feet of frontage. Each such sign shall measure no greater than four square feet in area and shall be no more than five feet in height. Signs may include the names of businesses and directional information, but no other advertising shall be permitted.

E.

General requirements.

(1)

Except in residential districts, signs inside a window, whether permanent or impermanent, are permitted in addition to any signs otherwise permitted. A window sign shall not exceed 25% of the exposed window area or not more than 16 square feet per window.

(2)

Illuminated signs, where permitted, shall not remain lit later than the closing hour of business or 9:00 p.m., whichever is later. In no event shall such a sign remain illuminated later than 11:30 p.m., except by approval from the Planning Board upon a finding that it is in the public interest or necessary for the safety of the Village to remain illuminated beyond that time. Illuminated signs may be turned back on at dusk the following day, except when an establishment is closed.

(3)

The following types of signs or artificial lighting are prohibited:

(a)

Billboards.

(b)

Neon signs as the primary freestanding, wall-mounted, projected or hanging sign on a facade, as defined in Subsection D, but may be used as a hanging sign in a window and must meet the requirements of Subsection E.

(c)

Moving, rotating or flashing signs, including any sign or device on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

(d)

Signs which compete for attention with or may be mistaken for traffic signals.

(e)

The outlining by direct illumination of all or any part of a building, such as gable, roof, side, wall or corner.

(f)

Exterior signs made of cardboard, paper, canvas or similar impermanent material, used for commercial promotional purposes or otherwise for more than 30 days.

(g)

No sign that is part of or supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building.

F.

Sign permits.

(1)

No sign other than a professional sign, announcement or real estate sign, but including temporary signs for promotional use, shall be erected, moved, enlarged, altered or reconstructed without first obtaining a sign permit from the Building Inspector.

(2)

A permit for a temporary sign for promotional use shall not be issued more than twice within a twelve-month period per establishment.

## **§ 270-30 Parking and loading regulations.**

A.

Off-street parking. Off-street parking spaces, open or enclosed, are subject to the following provisions:

(1)

Off-street parking requirements for each District shall be as provided in Appendix C.

Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

For uses which do not fall within the categories listed in Appendix C, the Planning Board will determine the necessary parking needed to prevent frequent parking on the street by persons visiting or connected with each such use.

(2)

Areas computed as parking spaces. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport or other area available for parking, other than a street. Each space shall be independently accessible with the exception that one space behind each garage or carport space may be counted as a parking space to meet parking requirements. Otherwise, tandem parking with access from only one direction shall be computed as one space.

(3)

All driveways, blacktop or loading docks must be at least four feet away from the property line in residential districts (S-50, S-75, S-100, S-125, T, MF-1, MF-2, PRD), and all driveways, blacktop or loading docks must be at least two feet away from the property line in nonresidential districts (PW-a, PW-b, PW-c, SP-N, SP-S, CDD, RDD, IR, O-R, VC, PC, NC-1, NC-2, GB and P-O).

(4)

Size of spaces. Each parking space shall be a minimum of nine feet wide by 18 feet deep. The minimum parking aisle width shall be 24 feet for spaces at a ninety-degree angle, 18 feet for spaces at a sixty-degree angle, 13 feet for spaces at a forty-five-degree angle and 12 feet for spaces at a thirty-degree angle. Where parking is arranged back-to-back, each parking space may share a common backup space. Entrance and exit lanes shall not be computed as parking space, except for driveways in one- and two-family residences, as set forth in Subsection A(1).

(5)

Prohibited parking areas. Except in the PC District, parking shall not be permitted in the required front yard except as set forth in Subsection A(1). In addition, except as provided in Subsection A(1), parking shall not be permitted anywhere in the front yard of any single- or two-family dwelling, except that where the Building Inspector finds that, due to unique conditions, compliance with this limitation will cause practical difficulties and tend to increase on-street parking by residents, he may authorize parking anywhere in the front yard of such dwellings, except for that portion thereof which is directly in front of the principal building, exclusive of garage structures.

(6)

Access. Unobstructed access to and from a street shall be provided. Such access shall consist of at least one twelve-foot-wide lane for parking areas with less than 20 spaces and at least two twelve-foot-wide lanes for parking areas with 20 spaces or more. No entrance or exit for any off-street parking area with a capacity of more than four spaces shall be located within 50 feet of any street intersection, nor exceed a grade in excess of 6% within 25 feet of any street line, nor 10% at any other point.

(7)

Drainage and surfacing. All parking areas shall be properly drained and all such areas, except for parking spaces accessory to a one- or two-family dwelling, shall be provided with a dustless surface in accordance with specifications of the Village of Ossining. The maximum slope of a parking area shall not exceed 5%.

(8)

Combined spaces. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the full extent. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Planning Board may reduce the total parking spaces required by up to 100% of the parking spaces required for that use with the least requirement.

(9)

Enclosed facilities.

(a)

Required parking areas may be constructed within or under any portion of a main building, provided that the access driveway does not at any point have a grade in excess of 10%. Access driveways should be placed to intersect streets with lower pedestrian traffic and less retail frontage so as to avoid disrupting the streetscape on principal pedestrian streets.

(b)

Except for one- or two-family dwellings, parking is not permitted in the portion of the first floor (or of any basement or cellar not entirely below ground) extending a minimum of 40 feet back from the front building line. Such area shall be utilized for a permitted main use, other than parking, in the zoning district in which the building is located. This requirement applies to buildings in which parking is a main use.

(c)

Notwithstanding the above, in a building on a corner lot, parking is permitted in the front portion of the first floor (or basement or cellar not entirely below ground) facing the street with the lower pedestrian traffic function. Along the street frontage, such parking shall be concealed with facade materials comparable to those used on the remainder of the building. To the extent practical, eye-level fenestration with translucent, but not transparent, glass shall be provided, or the portion of the building devoted to parking shall be screened with landscaping subject to approval by the Planning Board.

(d)

All buildings with enclosed parking shall provide horizontal and vertical articulation across the entire facade of the building on all streets to provide for visual interest. To fulfill this requirement, an articulation element shall be required at

least every 10 feet, measured both horizontally and vertically.

(10)

Location and ownership. Required accessory parking spaces, open or enclosed, shall be provided upon the same lot as the use to which they are accessory or elsewhere, provided that no required spaces are located farther than 200 feet in walking distance from such lot, or 700 feet in the VC Zone. In all such cases, the parking spaces shall conform to all the regulations of the district in which the parking spaces are located, and in no event shall such parking spaces be located in any residence district unless either the use to which the spaces are accessory is located in such residence districts or upon approval 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 restrictions, approved by the Planning Board, binding the owner and his heirs and assigns to maintain the required number of spaces available, either throughout the existence of the use to which they are accessory or until such spaces are provided elsewhere, in a location and manner acceptable to the Planning Board.

(11)

On lots divided by district boundaries. When a parking lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces shall apply to the entire lot. Parking spaces on such lot may be located without regard to district lines, provided that no such parking spaces shall be located in any residence district, unless either the use to which they are accessory is located in such district or upon approval by the Planning Board.

(12)

Waiver for changes of use in existing buildings in the VC, SP-N and NC-2 Districts. The parking space requirements shall be waived in the VC, SP-N, and NC-2 districts where all of the following conditions are met:

(a)

The change is from one permitted or conditional use in the district to another permitted or conditional use in the district.

(b)

The proposal does not involve construction of a new building or alterations or additions to an existing building which will result in an increase in gross floor area that will take away already existing off-street parking spaces and the Planning Board shall make a finding that the proposed new construction or addition will not be able to provide any additional off-street parking due to the existing conditions of the site.

(c)

The proposal does not result in the loss of existing off-street parking spaces.

(d)

The new use shall continue to have access to any parking spaces to which the existing use in the same location was granted access.

B.

Off-street loading. Off-street loading berths, open or enclosed, are permitted as accessory to any use (except one- or two-family dwellings), subject to the following provisions:

(1)

Loading requirements. Accessory off-street loading berths shall be provided for any use specified herein. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these loading requirements. Reasonable and appropriate off-street loading requirements for structures and uses which do not fall within the categories listed herein shall be determined by the Planning Board upon consideration of all factors entering into the loading needs of each such use.

(a)

For a public library, museum or similar quasi-public institution or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children or the aged or school:

[1]

If the floor area does not exceed 10,000 square feet: one berth.

[2]

For each additional 25,000 square feet or fraction thereof: one additional berth.

(b)

For buildings with professional, governmental or business offices or laboratory establishments:

[1]

If the floor area is less than 8,000 square feet: none.

[2]

If the floor area amounts to between 8,000 and 25,000 square feet: one berth.

[3]

For each additional 25,000 square feet or major fraction thereof up to 100,000 square feet: one additional berth.

[4]

For each additional 50,000 square feet or major fraction thereof: one additional berth.

(c)

For retail sales and service establishments:

[1]

If the floor area is less than 8,000 square feet: none.

[2]

If the floor area amounts to between 8,000 and 25,000 square feet: one berth.

[3]

If the floor area exceeds 25,000 square feet: one additional berth for each additional 25,000 square feet of floor area or major fraction thereof.

(d)

For undertakers and funeral homes: one berth for each chapel. Such berths shall be at least 10 feet wide, 20 feet long and 14 feet high.

(e)

For hotels or similar establishments: one berth for each 25,000 square feet, or major fraction thereof, of floor area.

(f)

For manufacturing, wholesale and storage uses and for dry-cleaning and rug-cleaning establishments and laundries: one berth for each 10,000 square feet of floor area or less; and one additional berth for each additional 20,000 square feet of floor area, or major fraction thereof, so used.

(g)

For multiple dwellings in structures with a height of over 2.5 stories: one berth for each structure or for each 150 dwelling units, or major fraction thereof, whichever results in the lesser number.

(2)

Size of spaces. Except as provided hereinbefore, each required loading berth shall be at least 12 feet wide, 35 feet long and 15 feet high.

(3)

Location and access. Unobstructed access, at least 12 feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except as provided in Subsection B(4). No entrance or exit for any loading area shall be located within 50 feet of any street intersection. No loading berths shall be located in any required yard and shall be screened where visible from any residential district boundary.

(4)

Joint facilities. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to jointly

serve two or more adjacent establishments, provided that the number of required berths in such joint facilities shall not be less than the aggregate of all such requirements.

(5)

On lots divided by district boundaries. When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of loading berths shall apply to the entire lot. Loading berths on such lot may be located without regard to district lines, provided that no such berths shall be located in any residence district, unless either the use to which they are accessory is permitted in such district or upon approval by the Planning Board.

C.

Parking regulations in multiple dwellings. Whenever space is provided for the parking of five or more vehicles in the open, such spaces shall be individually identified by means of pavement markings. The parking of motor vehicles is prohibited within 15 feet of any wall, or portion thereof, of a dwelling for two or more families, which wall contains windows (other than bathroom or kitchen windows) with a sill height of less than eight feet above the level of said parking space. No service of any kind shall be permitted to be extended to users of the lot, including automobile service, repair or fueling, and no gasoline, oil, grease or other supplies shall be stored or sold in any such lot or in any garage on such lot. Parking areas shall be thoroughly screened, subject to approval by the Planning Board. Generally, such screening shall be at least six feet in height and, if composed of plants, shall not be less than three feet in height, but capable of reaching at least eight feet in height at maturity.

D.

Regulations for parking spaces adjacent to lots in any residence district.

(1)

Wherever a parking area of over five spaces is within 15 feet of the side or rear lot lines of a lot in any residence district, said parking lot shall be thoroughly screened from such adjoining lot, subject to approval by the Planning Board. Generally, such screening shall be eight feet in height and, if composed of plants, shall not be less than three feet in height, but capable of reaching eight feet in height at maturity.

(2)

Whenever a parking area of over five spaces is located across the street from any land in a residence district or abuts a lot in a residence district, it shall be thoroughly screened, subject to approval by the Planning Board.

E.

Driveways. No driveway shall provide access to a lot located in another district, which lot is used for any use prohibited in the district in which such driveway is located. No driveway shall provide access to a lot located in a nonresidential district across land in a residential district.

(1)

The maximum slope of a driveway shall not exceed 10%.

(2)

A driveway serving a commercial use or more than two residences shall be not less than 20 feet wide for two-way operation or 10 feet wide for one-way operation and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and police or emergency vehicles.

F.

Trailers and boats.

(1)

The storage or parking and use of a trailer by any person or persons is hereby prohibited in all districts, except that:

(a)

One camping trailer not over 20 feet in length may be stored, but not used for any purpose, on an occupied lot in any residence district, provided that such trailer is not stored within any required yard, nor between the street line and the principal building.

(b)

Where a building permit has been issued for the construction or alteration of a building, the Building Inspector may issue a temporary permit for one trailer for a period not to exceed six months. Said trailer may be occupied during the term of the temporary permit and shall be situated upon the lot for which the building permit has been issued.

(2)

Not more than one boat per dwelling unit may be stored on an occupied lot in any residence district, provided that such boat is not stored within any required yard nor between the street line and the principal building nor in a required parking space nor blocking a required parking space.

G.

Commercial vehicles in a residential district.

(1)

Parking of commercial vehicles in a residential district shall not be permitted, except for cars, vans and pickups not exceeding 20 feet in length and eight feet in width.

(2)

Not more than one such commercial vehicle may be parked on a developed lot or in a private garage or carport in any residence district, but not within the required yards of such lot and in no case between the street line and the principal building.

(3)

No vehicle, or part(s) thereof, shall be parked or stored on any unimproved lot.

H.

Commercial vehicles in a nonresidential district.

(1)

Commercial vehicles are permitted as accessory to a nonresidential use (in a nonresidential district) and can be stored on an improved parking lot, but shall not be stored or parked within the front setback or any required yard.

(2)

No commercial vehicle, or parts thereof, shall be parked or stored on any unimproved lot.

**§ 270-31 Prohibited uses in all districts.**

A.

Any use which is noxious, offensive or objectionable by reason of the emission of smoke, dust, gas, odor or other form of air pollution; or by reason of the deposit, discharge or dispersal of liquid or solid wastes, in any form, in a manner or amount so as to cause permanent damage to the soil and stream or to adversely affect the surrounding area; or by reason of the creation of noise, vibration, electromagnetic or other disturbance; or by reason of illumination by artificial light or light reflection beyond the limits of the lot on, or from which, such light or light reflection emanates; or which involves any dangerous fire, explosive, radioactive or other hazard or which can cause injury, annoyance or disturbance to any of the surrounding properties or to their owners and occupants; and any other process or use which is unwholesome and noisome and may be dangerous or prejudicial to health, safety or the general welfare is prohibited.

B.

Any use not permitted by this chapter shall be deemed to be prohibited.

C.

Artificial lighting facilities of any kind with light sources visible beyond the lot lines are prohibited.

**§ 270-32 In-ground noncommercial swimming pools.**

Editor's Note: See also Ch. 237, Swimming Pools.

An in-ground swimming pool shall not be located, constructed or maintained on any lot or land area except in conformity with the following requirements:

A.

Such pool shall be located in a rear yard only.

B.

The entire portion of the premises upon which such pool is located shall be entirely enclosed with a good quality fence of not less than four feet in height.

C.

Every gate or other opening in the fence enclosing such pool shall be kept securely closed and shall be locked at all times when said pool is not in use.

D.

Such pool, measuring from the edge of the water, shall be located no less than 15 feet from the side and rear lot lines and not less than five feet from the main building.

E.

Such pool shall not occupy more than 25% of the rear yard area, excluding all private garages or other accessory buildings or structures.

F.

If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system.

G.

If the water for such pool is supplied from the public water supply system, the inlet shall be six inches above the overflow level of said pool.

H.

Such pool shall be chemically treated in a manner sufficient to maintain the bacterial standards established by the provisions of the New York Sanitary Code relating to public swimming pools.

I.

No permit shall be granted for the installation or construction of said swimming pool unless the plan thereof shall meet the minimum construction requirements of the Building Department of the Village of Ossining and unless the Village's Engineer, or a licensed professional engineer of New York State, shall have certified that the drainage of such pool is adequate and will not interfere with the public water supply system, with existing sanitary facilities or with the public streets.

J.

No loudspeaker or amplifying device shall be permitted which can be heard beyond the lot lines of the lot on which said pool is located.

K.

No lighting or spotlighting shall be permitted which will project light rays beyond the lot lines of the lot on which said pool is located.

L.

Adjacent to every side and rear lot line within the rear yard area, there shall be an effective screening consisting of either a wooden fence of not less than six feet in height or a dense, evergreen hedge of suitable plant material capable of growing to a six-foot height. Such hedge, at the time of planting the plants, shall not be less than four feet high.

M.

The slope around a pool that abuts the side or rear lot lines shall not be in excess of 35% and shall meet the existing grade at least two feet inside the property line.

**§ 270-33 Aboveground noncommercial swimming pools.**

Editor's Note: See also Ch. 237, Swimming Pools.

A.

Aboveground pools shall be located in a rear yard only.

B.

Such pool, measuring from the outside edge of any elevated, accessory walkway or deck, shall be located not less than





10 feet from the side and rear lot lines. No setback shall be required for the deck or walkway from the main building, except that the base of the pool shall not be less than five feet from the main building.

C.

Such pool shall not occupy more than 45% of the rear yard area, excluding all private garages and other accessory building structures.

D.

If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system.

E.

If the water for such pool is supplied from the public water supply system, the inlet shall be six inches above the overflow level of said pool.

F.

Such pool shall be chemically treated in a manner sufficient to maintain the bacterial standards established by the provisions of the New York Sanitary Code relating to public swimming pools.

G.

No permit shall be granted for the installation or construction of said swimming pool unless the plan thereof shall meet the minimum construction requirements of the Building Department of the Village of Ossining and unless the Village's Engineer, or a licensed professional engineer of New York State, shall have certified that the drainage of such pool is adequate and will not interfere with the public water supply system, with existing sanitary facilities or with the public streets.

H.

The entire portion of the premises upon which such pool is located shall be completely enclosed with a good quality fence of not less than four feet in height.

I.

Where the proposed pool is of such height or design that protective fencing is not required or is impractical, the Building Inspector shall, at his discretion, issue a permit for the erection of said pool without such fencing. The Building Inspector shall, however, first make a finding to the effect that, in his opinion, said pool has equal protection from entry as would be afforded by the erection of a fence as provided for in Subsection H of this section.

**§ 270-34 General landscaping and environmental requirements; steep slopes.**

A.

General landscaping and environmental requirements.

(1)

The Planning Board is authorized to adopt conditions in connection with its approvals of applications, including, but not limited to, requirements to post bonds, pertaining to the incorporation, maintenance and replacement of landscape materials in any project requiring site development plan approval and for the environmental control of such projects.

(2)

Proposed developments subject to site plan approval shall be designed to the greatest extent reasonably practicable to preserve the natural features of the site, including, but not necessarily limited to, water bodies, wetlands, steep slopes, hilltops, ridgelines, views to and from the Hudson River, major stands of trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value; to utilize such features in a harmonious fashion; and to enhance the visual appearance of the development. Such developments shall be in compliance with Chapter 248, Trees, and Chapter 227, Stormwater Management and Erosion and Sediment Control, and all other applicable laws and regulations.

(3)

As identified in the Comprehensive Plan, energy and water conservation are important to the health, safety and welfare of the residents of the Village of Ossining. Proposed site plans shall be designed to the greatest extent reasonably practicable to incorporate energy and water conservation measures. Examples of such measures include ENERGY STAR-rated products and practices.

B.

Steep slopes.

(1)

A steep slope is defined as any geographical area having a topographical gradient of 15% or greater (ratio of vertical distance to horizontal distance), whether man-made or natural, and whether created by a retaining structure or not.

(2)

In connection with development that is subject to site plan review, the following shall apply: Construction on or regrading of steeply sloped areas greater than 15% but less than 25% should be minimized to the greatest extent reasonably practicable in areas measuring over 500 square feet. There shall be no construction on or regrading of areas measuring over 500 square feet with steep slopes equal to or greater than 25% unless the Planning Board makes a specific finding that such construction or regrading is warranted by considerations that make alternative approaches impracticable in view of overall planning considerations (including the overall objectives of the Comprehensive Plan and the LWRP, if applicable) and will be carried out in a manner consistent with best management and engineering practices for such construction or regrading.

(3)

Where development pursuant to an approved site plan is to take place on steep slopes, the following construction practices shall be followed, in addition to compliance with applicable provisions of the Stormwater Management and Erosion and Sediment Control Law, Chapter 227:

(a)

Grading and development shall preserve salient natural features, keep cut fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and rate of velocity of surface water runoff.

(b)

Disturbed soils shall be stabilized as soon as practicable.

(c)

Temporary vegetation and/or mulching shall be used to protect exposed land areas during development.

(d)

The permanent (final) vegetation and mechanical erosion control measures shall both be installed within a specified time.

(e)

Provisions shall be made to dispose of the increased runoff caused by changed soil and surface conditions during and after development in a manner which minimizes danger of flooding; where necessary, the rate of surface water runoff shall be mechanically retarded.

(f)

Until a disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or similar measures.

(g)

Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.

(h)

Cut and fills shall not endanger adjoining property, nor divert water onto the property of others.

(i)

All fills shall be compacted to provide stability of material and to prevent undesirable settlement.

(j)

Fills shall not significantly negatively impact natural watercourses, constructed channels or areas prone to flooding.

(k)

Fills placed adjacent to or having an impact upon natural watercourses, constructed channels or floodplains shall have suitable protection against erosion during periods of flooding.

(l)  
During grading operations, appropriate measures for dust control shall be exercised.

(m)  
Grading equipment shall not be allowed to enter into or cross any watercourse, except in accordance with the Westchester County Best Management Practices Manual.

#### **§ 270-35 Environmental quality review.**

It is the responsibility of the applicant to see that all requirements of the New York State Environmental Quality Review Act (SEQRA),

Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

as amended, are met. To ensure this, the applicant shall deposit with the Village Clerk an amount set from time to time by resolution of the Village Board of Trustees,

Editor's Note: The Schedule of Fees is on file in the Village offices.

which will be used by the Zoning Board of Appeals, Planning Board or Village Board, as the case may be, to retain a consultant who will work with the applicant in identifying the applicable SEQRA requirements. Any excess money will be returned to the applicant, and any deficiency must be made up by the applicant within 30 days of receipt of an invoice from the Village Clerk. Failure to make up such deficiency will result in review of the application being suspended.

#### **§ 270-36 Cluster development.**

A.

The Village Board may authorize the Planning Board, in accordance with § 7-738 of the Village Law, to modify the applicable bulk and area provisions of this chapter. This procedure may be followed by the Planning Board upon written application by the owner or subdivider or at the initiation of the Planning Board. The Planning Board may modify the minimum lot area requirements, lot width and front, side and rear yards. These modifications are subject to any guidelines or limitations specified by the Village Board. This procedure shall not be used to modify the requirements of building height, floor area ratio or development coverage.

B.

In the event that the application of this procedure results in a plat showing lands available for park, recreation, open space or other municipal purposes, then the Planning Board, as a condition of final plat approval, may establish such conditions as to the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes. All conditions shall be approved by the Village Board prior to final plat approval by the Planning Board.

C.

Open space land created as part of the application of average density to a subdivision plat, and which is not required or permitted to be accepted for dedication to the Village of Ossining, shall be in a form of common ownership, which form and content shall be subject to the approval of the Village Board and which shall meet at least one of the following conditions:

(1)

That each owner or owners of every subdivision lot shall be an owner in common with the other owners of the subdivision of the land intended to be held as open space.

(2)

That each subdivided lot shall carry with it a covenant underwriting its proportionate share of the payment of taxes on the open space land, which covenant shall bind the owner thereof and every successive owner thereof.

(3)

A homeowners' or cooperative association or corporation may be formed to hold ownership of the open space, provided that each and every subdivided lot owner shall remain liable for the taxes, operation and maintenance of the open space land.

(4)

That such other mechanism or form, as shall be approved by the Village Board, shall be established which shall satisfy the requirements of the payment of taxes and the operation and maintenance of the property so created.

D.

The maximum number of units in a cluster subdivision shall be determined by the number of units the applicant can obtain in a noncluster subdivision plan, meeting all of the requirements of the zone in which the parcel is located, or a lesser number as approved by the Planning Board. The maximum number of attached units shall be six.

E.

All cluster subdivisions must follow the procedures to ensure that local actions comply with LWRP policies, as specified in the site development plan rules and regulations.

F.

The net density shall be within the range of one to six dwelling units per acre. In no case shall the net density exceed six dwelling units per acre.

**§ 270-37 Old Croton Aqueduct.**

Within all zoning districts, the fifty-foot-wide strips of land immediately adjacent to and on both sides of the Old Croton Aqueduct property shall be regulated by the appropriate reviewing authority as follows:

A.

The twenty-five-foot strips of land immediately adjacent to and on both sides of the Old Croton Aqueduct property shall be considered buffers, as defined in this chapter. Further, no construction, grading, excavation or buildings shall be permitted within these twenty-five-foot-wide areas.

B.

The portions of the fifty-foot-wide regulated areas not described in Subsection A above may be utilized for activities which comply with this chapter if, at the discretion of the reviewing authority, it has been demonstrated by the applicant that such activities will not adversely impact the Old Croton Aqueduct property.

C.

Where there is an inconsistency between Subsections A and B above and any other sections of this chapter, Subsections A and B shall govern. Notwithstanding the above, Subsections A and B shall not supersede any of the setbacks required elsewhere in this chapter.

**ARTICLE VII Nonconforming Uses, Nonconforming Lots and Noncomplying Buildings (§ 270-38 — § 270-42)**

**§ 270-38 Applicability.**

A.

This article shall apply to:

(1)

All buildings, structures and uses existing on the effective date of this chapter that do not conform to the requirements set forth in this chapter;

(2)

All buildings, structures and uses that were legally nonconforming uses or legally noncomplying buildings or lots under the Zoning Code in effect immediately prior to the effective date of this chapter; and

(3)

All buildings and uses that become noncomplying and/or nonconforming by reason of any subsequent amendment to this chapter.

B.

Continuance.

(1)

Any building, structure or use lawfully existing under the provisions of this chapter in effect at the time of the creation of said building or structure or the establishment of said use, or prior to the establishment of any zoning regulation in the Village of Ossining, although not conforming or complying with the provisions of this chapter for the district in which it is

situated, may be continued subject to compliance with the conditions set forth in this article.

(2)

Any legal use in existence that by this chapter is made a use that requires a special permit in the district in which it is located shall be presumed to have a special permit to the extent such use is legally conforming as of the date immediately prior to the effective date of this chapter or any amendment thereto.

#### **§ 270-39 Nonconforming uses.**

A.

Repairs, maintenance and incidental alterations. Upon the issuance of a building permit, nonstructural incidental alterations, as well as repairs to and maintenance of both structural and nonstructural parts, may be made to any portion of a building or structure occupied, in whole or in part, by a nonconforming use.

B.

Structural alterations.

(1)

No alterations involving structural integrity shall be made to or in a building or structure occupied, in whole or in part, by a nonconforming use, except when, upon the issuance of a building permit, such alterations are made:

(a)

In order to accommodate a conforming use; or

(b)

Wholly within the interior of the building or structure so that the alteration is not evident from the exterior of the building or structure, and so long as the alteration does not result in an enlargement, extension or increase in intensity prohibited pursuant to this article; or

(c)

In the course of an enlargement or extension permitted under the provisions of this article; or

(d)

In the course of a reconstruction or restoration permitted under the provisions of this article.

(2)

Nothing in this section shall be construed to allow any increase in noncompliance of dimensional regulations applicable to any building or structure, except as expressly permitted under this article.

C.

Change of location. Nonconforming uses shall not be moved, in whole or in part, to another location on the same lot or parcel of land unoccupied by such use on the date by which the use was rendered nonconforming on the effective date of this chapter or any amendment thereto. Nonconforming uses shall not be moved to any other lot or parcel where such use would be nonconforming.

D.

Change to another nonconforming use. No nonconforming use shall be changed to another nonconforming use without approval by the Zoning Board of Appeals, and then only to a use that the Zoning Board of Appeals has found:

(1)

Is of the same or of a more restricted nature;

(2)

Will not alter the essential character of the neighborhood; and

(3)

Will not cause adverse aesthetic, environmental or ecological impacts on the property or on surrounding areas or otherwise be injurious to the neighborhood or detrimental to the public welfare.

E.

Improvement of nonconforming uses. So that nonconforming uses may gradually be brought into greater conformance

with this chapter and the adverse external effects of such nonconforming uses may be reduced, the owner of the land, building or structure so used may be permitted to make limited changes to such building or structure or nonconforming use in conjunction with a site plan whereby, through the use of landscaped screening and buffer areas, control of noise, smoke, odors, lighting, architectural changes, location and layout of parking lots and access drives, or any other appropriate means, these purposes may be achieved. Such plan shall be presented to the Planning Board which may grant approval or approval with modifications, provided said agency finds that the purposes of this section will be achieved. For purposes of such site plan review, the Planning Board may seek recommendations from any other Village Board, committee or commission the Planning Board determines is appropriate.

F.

Enlargements and extensions. No nonconforming use shall be enlarged or extended, nor shall the intensity of the use be increased, except pursuant to the following:

(1)

Any nonconforming use of a building or structure may be extended throughout any parts of the building or structure that were obviously or manifestly arranged or designed only for such use at the time said use was rendered nonconforming.

(2)

A nonconforming single-family, two-family, or multifamily dwelling may be enlarged or extended in accordance with the dimensional regulations specified for the district in which it is located so long as such enlarged or extended portion shall not exceed more than 10% of the livable residential floor area in the dwelling unit in existence on the date on which the use became nonconforming. Notwithstanding the foregoing, there shall be no increase in the number of dwelling units beyond the lawful number in existence on the date on which the use became nonconforming.

G.

Discontinuance. If a nonconforming use or a portion thereof, substantially ceases for any reason for a total of six months during any twelve-month period, or is changed to a conforming use for any period of time, any future use of the land, building, structure or land shall be in conformity with this chapter. Substantial cessation of activities consistent with or required for the operation of such nonconforming use and/or substantial vacancy of the building or structure in which the nonconforming use was conducted shall be deemed to constitute discontinuance thereof within the meaning of this chapter.

H.

Removal of building or structure housing nonconforming use. If any building or structure in which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such building or structure was located and the subsequent use of any building or structure thereon shall be in conformity with the standards specified by this chapter for the district in which such land is located.

**§ 270-40 Undersized lots.**

A.

Merger. Adjacent lots under the same ownership are required to be combined and considered as one lot where such merger is necessary to cause the lot(s) and/or improvements thereon to comply or be more in compliance with the area and/or dimensional regulations for the district(s) in which they are located. Any conflict in designation or identification by the Village Assessor's Office shall have no effect on this provision for the purpose of application of this chapter.

B.

A lot having an area and/or dimensions that are less than required for the district in which it is located shall be deemed to be complying, provided that all of the following conditions are met:

(1)

The lot met the minimum area and dimensional requirements immediately prior to the effective date of this chapter or any amendment thereto.

(2)

All applicable district regulations other than minimum lot area, lot width and lot depth are complied with, except that the Zoning Board of Appeals shall have the authority to modify lot yard requirements insofar as deemed appropriate and justifiable in the public interest.

(3)

There were not lots that were both contiguous to and in the same ownership as the undersized lot on the effective date of this chapter or any amendment thereto.

#### **§ 270-41 Noncomplying buildings.**

A.

Noncomplying buildings. A building or structure that is conforming in use, but does not conform to any dimensional regulation/area requirement of this chapter applicable to the district in which such building or structure is located, shall be deemed to be a noncomplying building.

B.

No permit shall be issued that will result in the increase of any such noncompliance, but any noncomplying building, or portion thereof, may be altered to decrease its dimensional noncompliance.

C.

Removal of noncomplying building. Except as otherwise specifically provided in this article, if any noncomplying building, or part thereof, is removed, the subsequent use of the land for any building or structure shall be in conformity with the standards specified by this chapter for the district in which such land is located.

D.

Reconstruction and/or restoration. Reconstruction or restoration of a noncomplying building may occur only pursuant to the provisions of this article.

#### **§ 270-42 Reconstruction and/or restoration.**

A.

Any noncomplying building or building or structure housing a nonconforming use destroyed or damaged by any means by the greater of either to an extent of more than 75% of the market value of such building or structure above the foundation at the time of such destruction or damage, as determined by the Building Inspector in consultation with the Village Assessor and any Village consultant, or to an extent of more than 50% of its total floor area shall not be reconstructed, restored or used except in conformity and compliance with the provisions of this chapter. In the event that any destruction or damage of an existing building or structure produces an unsafe condition for which the Building Inspector orders or permits further demolition or removal of floor area or an action that further decreases the market value of the building or structure, such demolition or removal shall not be included in the calculations of this subsection.

B.

Any noncomplying building or building or structure housing a nonconforming use destroyed or damaged by any means to an extent of less than the greater of § 270-42A may be reconstructed and/or restored and any nonconforming continued, provided that the reconstruction and/or restoration is commenced within one year of the date of such destruction or damage and completed within two years of said date, provided that the building, structure or use is not enlarged or extended. Such reconstruction or restoration shall occur in accordance with a plan approved by the Planning Board so as to result, where reasonable, in greater conformity with this chapter. Notwithstanding the foregoing, the Building Inspector shall permit for good cause the extension of the dates by which reconstruction and/or restoration must be commenced and/or completed.

C.

No building permit shall be issued for reconstruction and/or restoration pursuant to this section without submission to the Building Inspector of a certified statement by the owner's architect or engineer describing, in detail, the extent of the damage or destruction, an accurate calculation or good faith estimate of the floor area damaged or destroyed and any other information reasonably requested by the Building Inspector and related to his/her analysis under this article.

#### **ARTICLE VIII Enforcement (§ 270-43 — § 270-46)**

##### **§ 270-43 Building permits.**

No building in any district shall be erected, reconstructed or restored or structurally altered without a building permit duly issued upon application to the Building Inspector. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of the law. Any building permit issued in violation of the provisions of this chapter shall be null and void and of no effect, without the necessity for any proceedings for revocation or nullification thereof, and any work undertaken or use established pursuant to any permit shall be unlawful.

A.

Every application for a building permit shall contain the following information and be accompanied by the required fee and

by a plot plan drawn to scale and signed by the person responsible for such drawing. If no such plot plan is available, a survey, prepared by a licensed engineer or land surveyor, is required.

(1)

The actual shape, dimensions, radii, angles and area of the lot on which the building is proposed to be erected or of the lot on which it is situated, if an existing building.

(2)

The section, block and lot numbers as they appear on the latest tax records.

(3)

The exact size and locations on the lot of the proposed building or buildings or alteration of an existing building and of other existing buildings on the same lot, including driveways and walks.

(4)

The dimensions of all yards in relation to the subject building and the distances between such building and any other existing buildings on the same lot.

(5)

The existing and intended use of all buildings, existing or proposed, the use of land and the number of dwelling units the building is designed to accommodate.

(6)

Such topographic or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this chapter.

B.

No building permit shall be issued for the construction or alteration of any building upon a lot without access to a street or highway as stipulated in § 7-736 of the Village Law.

C.

No building permit shall be issued for any building subject to site plan approval by the Planning Board or subject to review by the Board of Architectural Review, except in conformity with the plans approved by either or both of said boards, as appropriate.

D.

No building permit shall be issued for a building to be used for any conditional use in any district where such use is subject to approval by the Planning Board, unless and until such approval has been duly granted by the Planning Board.

E.

No building permit shall be issued for a building to be used for any special permit in any district where such use is subject to approval by the Village Board, unless and until such approval has been duly granted by the Village Board.

F.

No building permit shall be issued for a building permitted subject to a variance granted by the Zoning Board of Appeals, except in accordance with all conditions which may have been prescribed by such Board.

G.

The building permit application and all supporting documentation shall be made in such number of copies as may be required by the Building Inspector. Upon issuance of a building permit, the Building Inspector shall return one copy of all filed documents to the applicant.

H.

The Building Inspector shall, after the filing of a complete and properly prepared application, either issue or deny a building permit. If a building permit is denied, the Building Inspector shall state, in writing, to the applicant the reasons for such denial.

I.

Every building permit shall expire if the work authorized has not commenced within three months after the date of issuance, or has not been completed 12 months from such date for construction costing less than \$1,000,000 and has



not been completed within 18 months from such date for construction costing in excess of such amount. If no amendments to this chapter or to other codes or regulations affecting subject property have been enacted in the interim, the Building Inspector may authorize, in writing, the extension of either of the above periods for an additional six months, following which no further work is to be undertaken without a new building permit.

J.

As soon as the foundation of a building or of any addition to an existing building is completed, and before first-story framing or wall construction is begun, there shall be filed with the Building Inspector an accurate survey, signed by the person responsible for said survey, showing the exact location of such foundation with respect to the street and property lines of the lot.

K.

Application for a building permit shall be accompanied by a fee, as set forth in the fee schedule of the Village of Ossining.

Editor's Note: The Schedule of Fees is on file in the Village offices.

#### **§ 270-44 Certificates of occupancy.**

A.

The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Building Inspector.

(1)

Occupancy and use of a building erected, reconstructed, restored, altered or moved or any change in use of an existing building.

(2)

Occupancy, use or any change in use of land.

(3)

Any change in use of a nonconforming use.

(4)

Occupancy and use of any enlargement to an existing structure.

B.

No certificate of occupancy shall be issued for any conditional use of a building or of land requiring conditional use approval by the Planning Board or for any land or use requiring site plan approval by the Planning Board unless and until such conditional use or site plan approval has been duly granted by the Planning Board. Every certificate of occupancy for which conditional use or site plan approval has been granted, or in connection with which a variance has been granted by the Zoning Board of Appeals, shall contain a detailed statement of any condition to which the same is subject.

C.

Application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made on forms furnished by the Building Inspector after erection of such building, or part thereof, has been completed in conformity with the provisions of this chapter. In the case of a new building, such application shall be accompanied by an accurate plot plan or, if not available, by a survey prepared by a licensed land surveyor or engineer showing the location of all buildings as-built. Such certificate shall be issued within 10 days after receipt of the properly completed application, but only provided the application states that all requirements of all other applicable codes or laws in effect are complied with.

D.

If the proposed use is in conformity with the provisions of this chapter and of all other applicable codes, ordinances and laws, a certificate of occupancy for the use of vacant land or for a change of use of a nonconforming use shall be issued by the Building Inspector within 10 days after receipt of a properly completed application. If a certificate of occupancy is denied, the Building Inspector shall state the reasons, in writing, to the applicant.

E.

In regard to those uses which are subject to the performance standards procedure, the following requirements shall also apply:

(1)

Any normal replacement or addition of equipment and machinery not affecting the operations or the degree or nature of dangerous and objectionable elements emitted shall not be considered a change in use.

(2)

After occupancy, if there occur frequent or continuous, even though intermittent, violations of the performance standards and other provisions for a period of five days, without bona fide and immediate corrective work, the Building Inspector shall suspend or revoke the occupancy permit of the use, and the operation shall immediately cease until it is able to operate in accordance with these regulations, at which time the occupancy permit shall be reinstated.

(3)

The Building Inspector shall investigate any alleged violation of the performance standards, and if there are reasonable grounds to believe that a violation exists, he may employ qualified experts. A copy of the findings of the Building Inspector and, where applicable, said experts shall be forwarded to the Village Board. The services of any qualified experts employed by the Village to advise in establishing a violation shall be paid for by the violator, if a violation is proved, and otherwise by the Village. No new certificate of occupancy shall be issued unless such charges have been paid to the Village.

F.

Every application for a certificate of occupancy or a temporary certificate of occupancy shall be accompanied by a fee as set forth in the fee schedule of the Village of Ossining.

Editor's Note: The Schedule of Fees is on file in the Village offices.

G.

A certificate of occupancy shall be deemed to authorize, and is required for, both initial occupancy and the continued occupancy and use of the building or land to which it applies.

H.

Upon written request by the owner, and upon payment of a fee as provided in the building code, the Building Inspector shall, after inspection, issue a certificate of occupancy for any building or use thereof, or of land, existing at the time of the adoption of this chapter, certifying such use and whether or not the same and the building conforms to the provisions of this chapter.

I.

A record of all certificates of occupancy shall be kept in the office of the Building Inspector, and copies shall be furnished, on request, to any agency of the Village or to any persons having a proprietary or tenancy interest in the building or land affected.

**§ 270-45 Duties of Building Inspector.**

A.

It shall be the duty of the Building Inspector to enforce the provisions of this chapter and of all rules, conditions and requirements adopted or specified pursuant thereto.

B.

The Building Inspector, or his duly authorized assistant(s), shall have the right to enter any building or enter upon any land at any reasonable hour, as necessary, in the execution of their duties.

**§ 270-46 Penalties for offenses.**

A.

Any person or corporation, whether as owner, lessee, architect, contractor or builder, or the agent or employee of any of them, who violates or who knowingly assists in the violation of any provision of this chapter or any rule or regulation made under the authority conferred by this chapter or who shall build, erect, construct, alter, enlarge, convert or move any building or structure, or any part thereof, without a building permit, or in violation of this chapter, or in violation of any statement or plans submitted and approved under the provisions of this chapter, or who shall use any land, building or structure in violation of this chapter or any rule or regulation made under the authority conferred by this chapter or any

statement or plan submitted and approved thereunder or in violation of the provisions of any building permit or change of occupancy permit or certificate of occupancy or without a permit or certificate required by this chapter and who fails to abate said violation within the time period specified on the violation notice issued by the Building Inspector, or his designee, and after written notice has been served upon him either by mail or personal service shall be liable to a minimum fine of \$100 and a maximum fine of \$5,000 or imprisonment not exceeding 15 days, or both such fine and imprisonment. Each and every day that any such violation continues after the specified time to abate shall constitute a separate offense.

B.

The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting appropriate legal action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to restrain, correct or abate a violation or to prevent the illegal occupancy of a building, land or premises.

**ARTICLE IX Zoning Board of Appeals (§ 270-47 — § 270-49)**

**§ 270-47 Creation, appointment and organization.**

A.

Establishment and membership. There shall be a Zoning Board of Appeals of five members, pursuant to the provisions of Article 7, § 7-712 of the Village Law, each to be appointed for a term of five years, running from February 3 of the year appointed. Vacancies shall be filled by appointment for the unexpired term. The Village Manager shall designate the Chairperson of the Board of Appeals.

B.

Upon the expiration of the terms of current members of the Board, the appointment of new members to the Board shall be as follows: one member shall be appointed for a term of one year; one member for a term of two years; one member for a term of three years; one member for a term of four years; and one member for a term of five years. Thereafter, each replacement member shall be appointed by the Village Manager for a term of five years.

**§ 270-48 Powers and duties.**

The Zoning Board of Appeals shall have all the powers and duties prescribed by Article 7, § 7-712 of the Village 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 the 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, to decide any of the following questions:

(1)

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)

The exact location of any district boundary shown on the Zoning Map.

Editor's Note: The Zoning Map is on file in the offices of the Building Inspector.

B.

Variances.

(1)

On appeal from an order, requirement, decision or determination made by the Building Inspector or on referral of an applicant to the Board by an approving agency acting pursuant to this chapter, the Zoning Board of Appeals is authorized to vary or modify the strict letter of this chapter where its literal interpretation would cause practical difficulties or unnecessary hardships, as defined in this section, in such manner as to observe the spirit of the chapter, to secure public safety and welfare and to do substantial justice.

(2)

Area variances. Where an applicant requests a variance of the area requirements of this chapter, the Board may grant a variance in the application of the provisions of this chapter in the specific case. In making its determination, the Board

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 of such grant. In making its determination the Board shall consider whether:

(a)

An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(b)

The benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

(c)

The requested area variance is substantial;

(d)

The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

(e)

The alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

(3)

The Zoning Board of Appeals, in granting area variances, shall grant the minimum variance that it deems necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(4)

Use variances. Where, because of unnecessary hardship relating to the land for a use not allowed in the district in which the land is located, an applicant requests a variance of the use requirements of this chapter, the Board may grant a variance in the application of the provisions of this chapter in the specific case, provided that no use variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship to the applicant. In order to prove unnecessary hardship, the applicant shall demonstrate that for each and every permitted use under this chapter for the district in which the applicant's property is located:

(a)

The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

(b)

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)

The requested use variance, if granted, will not alter the essential character of the neighborhood; and

(d)

The alleged hardship has not been self-created.

(5)

The Zoning Board of Appeals, in granting use variances, shall grant the minimum variance that it deems necessary and adequate to address the unnecessary hardship proven 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.

(6)

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.

(7)

Where said Board finds the zoning classification of a particular property to be conducive to the deprivation of the reasonable use of the land or buildings and where said Board finds the same condition to apply generally to other land or buildings in the same neighborhood or zoning district, said Board shall call this condition to the attention of the Village Board.

(8)

In all cases where the Zoning 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 such 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.

(9)

Appeals. Any person aggrieved by any decision of the Zoning Board of Appeals hereunder may, within 30 days of the filing of the decision with the office of the Village Clerk, appeal pursuant to Article 78 of the New York State Civil Practice Laws and Rules.

**§ 270-49 Procedure.**

The powers and duties of the Zoning Board of Appeals shall be exercised in accordance with the following procedure and as required by Article 7, § 7-712 of the Village Law:

A.

The Zoning Board of Appeals shall not decide upon any appeal for a variance or interpretation of this chapter without first holding a public hearing, notice of which hearing, including the substance of the appeal or application, shall be given by publication in the official newspaper of the Village at least 10 days before the date of such hearing. In addition to such published notice, the Board of Appeals shall cause such notice to be mailed at least five days before the hearing to all owners of property which lies adjacent to the property for which relief is sought and to such other owners as the Board of Appeals may deem advisable.

(1)

The names of said owners shall be taken as they appear on the last completed tax roll of the Village.

(2)

Provided that due notice shall have been published and that there shall have been substantial compliance with the remaining provisions of this section, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Zoning Board of Appeals in connection with the granting of any appeal or variance.

B.

All appeals and applications made to the Zoning Board of Appeals shall be in writing and shall be accompanied by the required fee payable to the Village of Ossining. Such submission shall be submitted to the Zoning Board of Appeals Secretary by the designated deadline as prescribed by the Zoning Board of Appeals. The fee filed in connection with applications shall not be returnable regardless of disposition of the case by the Board.

C.

Each appeal or application shall fully set forth the circumstances of the case, shall refer to the specific provision of the law involved 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.

D.

Transmission of copy of official notice of public hearing.

(1)

Should any appeal involve any of the following conditions, the Secretary of the Zoning Board of Appeals shall transmit to the designated office or official a copy of the official notice of the public hearing not later than 10 days prior to the date of the hearing.

(a)

Any change in the boundaries of any district, which change would occur within a distance of 500 feet of the boundary of

any village or town.

(b)

Any change in the regulations or application for a use variance prescribed for any district, any portion of which is located within 500 feet of the boundary of any village or town.

(2)

The designated official for counties shall be the clerk of the county legislature. In villages and towns, the designated official shall be the clerk of the municipality.

E.

Prior to the date of any public hearing, the Secretary of the Zoning Board of Appeals may 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 Zoning Board of Appeals an advisory opinion on said appeal or application at any time prior to the rendering of a decision by the Board of Appeals.

F.

Prior to final action, the Zoning Board of Appeals shall refer any matter involving any of the areas in accordance with §§ 277.61 and 277.71 of the Westchester County Administrative Code and §§ 239-l, 239-m and 239-n of the New York State General Municipal Law to the Westchester County Planning Board.

G.

Every decision of the Zoning Board of Appeals shall be recorded in accordance with standard forms adopted by the Board, shall fully set forth the circumstances of the case, shall contain a full record of the findings on which the decision is based and, if such decision is not in accordance with the recommendation of the Planning Board, the reasons therefor. Every decision of said Board shall be by resolution, and each such resolution shall be filed in the office of the Village.

H.

The Secretary shall keep minutes of the Board's proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact. The Secretary shall keep records of the Board's examinations and official actions, all of which shall be immediately filed in the office of the Village Clerk and shall be a public record.

I.

All provisions of this chapter relating to the Zoning Board of Appeals shall be strictly construed. Said Board, as a body of limited jurisdiction, shall act in full conformity with all provisions of law and of this chapter and in compliance with all limitations contained therein.

J.

Unless construction is commenced and diligently pursued within six months of the date of the granting of a variance, such variance shall become null and void, unless renewed upon application to the Zoning Board of Appeals.

## **ARTICLE X Planning Board; Conditional Uses; Site Plan Review (§ 270-50 — § 270-52)**

### **§ 270-50 Creation, appointment, organization and membership of Planning Board.**

There shall be a Planning Board of seven members pursuant to Article VII, § 7-718 of the Village Law, each to be appointed for a term of five years. Vacancies shall be filled by appointment for the unexpired term. Members and the Chairperson of such Planning Board shall be appointed by the Village Manager. At least two of the members of the Planning Board shall have practical experience in the fields of architecture, civil engineering, planning, real estate or land development.

### **§ 270-51 Conditional uses.**

A.

On application, and after public notice and hearing, the Planning Board may authorize the issuance by the Building Inspector of permits for any of the conditional uses for which this chapter requires such permits in the district in which such use is proposed to be located. In approving any such use, the Planning Board shall take into consideration and make any necessary modifications to the site plan to ensure the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular and may prescribe such appropriate conditions and safeguards as may be required in order that the result of its action shall, to the maximum extent possible, further the expressed intent of this chapter and the accomplishment of the following

objectives, in particular:

(1)

That all proposed structures, equipment or material shall be readily accessible for fire, ambulance and police protection.

(2)

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

(3)

That the proposed use will be consistent with the requirements of this chapter, the Code of the Village of Ossining, the Village of Ossining Comprehensive Plan and other applicable plans and regulations.

(4)

That the proposed use will not overload any public water, drainage or sewer system or any other municipal facility.

(5)

That the proposed use will not result in excessive off-premises noise, dust, odors, solid waste or glare.

(6)

That the use will be suitable for the property on which it is proposed, considering the property's size, location, topography and natural resources.

(7)

That, in addition to the above, in the case of any use located in, or directly adjacent to, a residence 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 residence district 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.

(c)

The subject property is adequately sized and suitably configured to provide screening needed to the adjacent residential district.

B.

Each application for a conditional use shall be accompanied by a proposed plan showing the size and location of the lot and the location of all buildings and proposed facilities, including access drives, parking areas and all streets within 200 feet of the lot.

C.

In addition to publication of notice of all public hearings as required by law, the Planning Board shall cause such notice to be mailed at least 10 days before the hearing to all owners of property which lies within 300 feet of any boundary line of the property which is the subject matter of the applications and to such other owners as the Planning Board may deem advisable. The names of said owners shall be taken as they appear on the last completed tax roll of the Village. Provided that due notice shall have been published as required by law and that there shall have been substantial compliance with the remaining provisions of this section, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Planning Board in connection with such application.

D.

Prior to final action, the Planning Board shall refer any matter involving any of the areas specified in §§ 277.61 and 277.71 of the Westchester County Administrative Code and §§ 239-l, 239-m and 239-n of the New York State General

## Municipal Law to the Westchester County Planning Board.

E.

Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that such permit shall affect only the lot, or portion thereof, for which such permit shall have been granted.

F.

The Planning Board may require that conditional use 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 Planning Board to the effect that such conditions as may have been prescribed by the Planning Board in conjunction with the issuance of the original permit have not been or are no longer being complied with. In such cases, a period of 60 days shall be granted to the applicant for full compliance prior to the revocation of said permit. The sixty-day time period for full compliance only applies for the first violation. If any subsequent violation occurs, the conditional use permit will be revoked.

**§ 270-52 Site development plan rules and regulations.**A.

No site development plan approval shall be required for single-family or two-family detached residential uses that are requesting additions, alterations or structures accessory thereto. All other principal uses, including the construction of single-family or two-family detached residential uses that are part of a proposed subdivision, and all conditional or special permit uses shall require a site development plan approval prior to the issuance of a building permit or certificate of occupancy. No lot or parcel of land shall be used except in conformity with an approved site development plan, when required.

B.

Objectives. In considering and acting upon site development plans, the Planning Board shall take into consideration the public health, safety and welfare and the comfort and convenience of the public in general and of the prospective occupants of the proposed development and of the immediate neighborhood, in particular, and may prescribe such appropriate conditions and safeguards as may be required in order to further the expressed intent of this chapter and to accomplish the following objectives, in particular:

(1)

Traffic access. All proposed traffic access will be adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other major access points; located on a roadway capable of adequately and safely handling the additional traffic; and will provide for other similar safety considerations.

(2)

Circulation and parking. Adequate off-street parking and loading spaces are provided to prevent parking of vehicles on public streets. The interior circulation system will be adequate to provide safe accessibility to all required off-street parking.

(3)

Landscaping and screening. All recreation areas, parking and service areas will be reasonably screened from the view of adjacent residential lots and streets at all seasons of the year. As approved by the Planning Board or the Building Inspector, a bond shall be posted for the maintenance and/or replacement of the screening.

(4)

Compatibility. Signs and lights will be compatible and in scale with building elements and will not represent significant impact on the environment or result in a waste of the land and other natural resources of the Village. To the greatest possible extent, development will be in harmony with the natural environment, and adequate compensatory devices will be prescribed to offset potential significant deterioration resulting from the project. Signs shall conform to size, shape, color, materials and location as called for by the Planning Board and/or Building Department.

(5)

Development. The site development plan elements, including buildings, parking, drainage, utility services, circulation, signs and lighting, will not adversely affect the potential of adjacent properties or the property under review from its highest and best use and will not exceed the capabilities of existing municipal roads or utility services, including, but not limited to, water and sewer.



C.

Procedure. The Planning Board shall follow procedures as prescribed by Article 7, § 7-725, of the Village Law and by this chapter.

(1)

Prior to application for a building permit, certificate of occupancy or certificate of use, where required, site development plan approval shall be secured from the Planning Board. The applicant has the option of choosing between a formal application for approval and an informal submission for review. For purposes of an informal submission, the applicant should provide as much information as required by the Planning Board. The preapplication review by the Planning Board shall not constitute a formal review, and no approval can be granted based on it. At this time, the applicant should outline any modifications he/she is requesting from the requirements specified herein.

(2)

Submissions for site development plan review shall be made on forms prescribed by the Planning Board and accompanied by a fee in accordance with the Standard Schedule of Fees of the Village of Ossining.

Editor's Note: The Schedule of Fees is on file in the Village offices.

Such submission shall be submitted to the Planning Board Secretary by the designated deadline as prescribed by the Planning Board.

(3)

Prior to final action, the Planning Board may refer any matter involving any of the areas specified in Article XIII, § 270-59D, and §§ 277.61 and 277.71 of the Westchester County Administrative Code, and §§ 239-l, 239-m and 239-n of the New York State General Municipal Law to the Westchester County Planning Board.

(4)

The Planning Board, in the review of any application, may refer such application to such engineering, planning, legal, technical, environmental or other professionals as the referring board deems reasonably necessary to enable it to review the application as required by law.

(a)

At the time of submission of any application, or during the review process, the reviewing board or official may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Village for the costs of professional review services.

(b)

The Planning Board shall not consider or consider further any application for which a deposit is required under this chapter until the Treasurer has certified that the deposit has been made.

(c)

If such account is not replenished within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the reviewing board or official may suspend its review of the application.

(d)

After all pertinent charges have been paid, the Village shall refund to the applicant any funds remaining on deposit.

D.

Site plan elements. The applicant shall cause a site plan map to be prepared, at a scale sufficient in size to permit an adequate review, by an architect, civil engineer, surveyor, landscape architect or allied field. The site plan shall include those of the elements listed herein which are appropriate to the proposed development or use as indicated by the Planning Board in the presubmission conference. This information, in total, shall constitute the site plan and shall be the same information, drawings and supplementary material normally understood to be completed working drawings.

(1)

Legal data.

(a)

Section, block and lot number of the property taken from the latest tax records.

(b)  
Name and address of applicant and notarized authorization of owner if different from applicant.

(c)  
Name and address of owners(s) of record, if different from applicant.

(d)  
Name and address of person or firm preparing the plan and map.

(e)  
Ownership intentions, such as purchase options.

(f)  
Current zoning classification of property, including exact zoning boundary if in more than one district.

(g)  
Property boundary line plotted to scale. Distances, angles and area should be shown.

(h)  
North arrow, scale and date.

(i)  
Locations, widths, elevations and names of existing and proposed adjacent streets.

(j)  
Property lines and names of owners of adjoining parcels.

(k)  
Location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within and adjoining the property.

(l)  
Description of all existing deed restrictions or covenants applying to the property.

(m)  
Record of the application and approval status of all necessary state and county permits must be received before issuance of a building permit.

(2)  
Natural features.

(a)  
Geologic features, such as depth to bedrock and the location of rock outcrops.

(b)  
Topographic features, including a map showing existing contour intervals of no more than five feet. Two-foot contour intervals should be required if the topography is relatively flat. Areas of steep slopes should be delineated as necessary.

(c)  
Vegetative cover, including existing wooded areas, significant isolated trees and similar features.

(d)  
Soil characteristics, such as load-bearing capacity and drainage capacity.

(e)  
Hydrologic features should include drainage and runoff patterns, flood hazard areas, wetlands and depth to groundwater.

(3)  
Existing structures and utilities.

(a)

Location and dimensions of major buildings and structures.

(b)

Location and width of roads and paths, including site access.

(c)

Location, size and flow direction of sewers, water supply lines and culverts. Major electric, gas and telephone lines and appurtenances should also be shown.

(d)

Location of other existing development and uses, including parking and loading areas, fences, trees and landscaping.

(4)

Proposed development.

(a)

Grading and drainage plan showing proposed topography at appropriate contour intervals. This information can be combined with the map of existing topography if it can be clearly depicted.

(b)

Location, proposed use and height of buildings and other structures, such as retaining walls, fences, outdoor storage tanks, air-conditioning units and waste disposal units.

(c)

Location, proposed use, design and construction materials of improvements not requiring structures, such as parking, loading and outdoor storage areas.

(d)

Location and arrangement of site access and egress, including all paths for pedestrian and vehicular travel within the site. Information should include profiles and cross-sections of roadways and sidewalks showing grades, widths and location and size of utility lines.

(e)

Location and size of water and sewer lines, hydrants and appurtenances. Any means of water supply or sewage disposal other than extensions of existing systems should be described, including location, design and construction materials.

(f)

Location, design and construction materials of all energy distribution facilities, including electric, gas and solar energy.

(g)

Location, size and design of all outdoor lighting facilities and public address systems.

(h)

Location, size, design and construction materials of all outdoor signs.

(i)

General landscaping plan and planting schedule, including the treatment of buffer areas and the location and types of trees to be planted.

(j)

Additional specifications for materials.

(k)

Location of all stormwater drainage and best management practices in accordance with Chapter 227, Stormwater Management and Erosion and Sediment Control.

(l)

An outline of any proposed easements, deed restrictions or covenants.

(m)

Any contemplated public improvements on or adjoining the property.

(n)

Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties on the street.

(o)

If the site plan only indicates a first stage, a supplementary plan shall schematically indicate the theoretically possible ultimate development by means of showing the approximate location of all structures, vehicular circulation and parking. The supplementary plan shall include all contiguous lots in the same ownership as the lot(s) contained on the site plan.

(p)

The applicant must supply the proper documentation and forms that are applicable to Chapter 118, Environmental Quality Review, and Chapter 262, Waterfront Consistency Review of this Code, and 6 NYCRR Part 617 State Environmental Quality Review (SEQR).

E.

Informal review and pre-submission conference. An applicant, at his/her discretion, may submit, prior to a formal application for final site development plan approval, an application for informal site development plan review. The applicant shall submit all application materials in as much detail as the Planning Board shall determine it requires to come to a preliminary conclusion as to the merits of the proposal. Should variances from the requirements of this chapter be contemplated, their nature and degree should be specified. In the event an applicant needs both Planning Board approval and a use or area variance from the Zoning Board of Appeals, the applicant should apply to the Planning Board first. In such case, the Planning Board shall promptly refer the matter to the Zoning Board of Appeals. The Planning Board shall not approve the application until any required variances have been approved by the Zoning Board of Appeals.

F.

Procedures to ensure that local actions comply with the Local Waterfront Revitalization Program (LWRP) policies.

(1)

Planning Board. The Planning Board shall notify the Village Manager and Waterfront Commission of pending actions using a coastal assessment form. It shall then find and certify, in writing, that:

(a)

The action will not substantially hinder the achievement of any of the policies and purposes of the LWRP;

(b)

If the action will substantially hinder the achievement of any policy of the LWRP, the following three requirements are satisfied: no reasonable alternatives exist which would permit the action to be undertaken in a manner which would not substantially hinder the achievement of such policy; the action will minimize all adverse effects on such policy to the maximum extent practicable; and the action will result in an overriding regional or statewide public benefit. Such certification shall constitute a determination that the action is consistent to the maximum extent practicable with the LWRP; or

(c)

The action is not consistent with the policies and purposes of the LWRP, since it would substantially hinder the achievement of one or more policies and would not satisfy all of the requirements identified in Subsection F(1)(b) above.

(2)

The Planning Board shall prepare its written findings and certification according to the same schedule required for approval/disapproval of conditional use requests, site plans and subdivision plats. The written findings and certification of consistency shall be filed with the Village Clerk before an action is undertaken. No action under the Planning Board's jurisdiction shall occur without the Board having certified that the action is consistent with the policies and purposes of the LWRP.

(3)

Village Board.

(a)

The Village Board or a Village agency, when proposing to undertake, approve or fund a Type I or unlisted action in the waterfront area, shall prepare or cause to be prepared a coastal assessment form for the proposed action.

(b)

Following the preparation of an environmental impact statement (EIS) or the issuance of a negative declaration pursuant to SEQRA, a Village agency shall refer the coastal assessment form (CAF), any EIS or other pertinent information for that action to the Village Manager and to the Village Board which reviews and determines whether the action is consistent with the policies and purposes of the LWRP.

(c)

Prior to its undertaking, approving or funding a proposed Type I or unlisted action in the waterfront area, and for each action referred by a Village agency, the Village Board shall find and certify that the action is or is not inconsistent with the LWRP. [See findings above under the Planning Board procedures, Subsection F(2).]

(d)

The Village Board shall complete its review of the proposed action's consistency and prepare a written finding to the referring Village agency within 30 days of the referral date. The Village Board may refer such actions for review to any municipal agency, including, but not limited to, the Planning Board, Village Manager's Office, Building Department, Zoning Board of Appeals, Village Engineer, Historic Review Commission, Environmental Advisory Council and Waterfront Commission.

(e)

The written findings and certification of the Village Board shall be filed with the Village Clerk before the action is undertaken, approved or funded.

(f)

No action shall be undertaken, approved or funded unless the Village Board certifies its consistency with the policies and purposes of the LWRP.

G.

Final review and approval.

(1)

An applicant, at his/her discretion, may submit, for final site development plan approval, an application. The applicant shall submit all application materials as required by § 270-52D. Should variances from the requirements of this chapter be contemplated, their nature and degree should be specified. In the event an applicant needs both Planning Board approval and a use or area variance from the Zoning Board of Appeals, the applicant should apply to the Planning Board first. In such case, the Planning Board shall promptly refer the matter to the Zoning Board of Appeals. The Planning Board shall not approve the application until any required variances have been approved by the Zoning Board of Appeals.

(2)

The Planning Board will review the proposed plan with the general and specific criteria set forth in this chapter and other applicable rules and regulations of the Village of Ossining, state or county. The Planning Board shall authorize the setting of a public hearing for consideration of final site development plan approval. In addition to publication of notice of such public hearing as required by law, the Planning Board shall cause such notice to be mailed at least 10 days before the hearing to all owners of property which lies within 300 feet of any boundary line of the property which is the subject matter of the application and to such other owners as the Planning Board may deem advisable. The names of said owners shall be taken as they appear on the last completed tax roll of the Village. Provided that due notice shall have been published as required by law and that there shall have been substantial compliance with the remaining provisions of this section, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Planning Board in connection with such application. In the event that a conditional use approval is required, the Planning Board shall simultaneously consider both applications. In reviewing a site development plan application which has been granted a special permit by the Village Board, the Planning Board shall ensure conformity with any special permit requirements. The final site development plan and all supporting materials shall be subject to review and consultation. The Board shall make a determination on the application within 62 days of the close of the public hearing. In the event that no determination is made within 62 days and the applicant has not waived the time requirements, the application shall be deemed approved. The Board shall include such conditions of approval as were required and in

addition:

(a)

The Planning Board shall require that on- or off-site improvements be installed, including, but not limited to, on- or off-site drainage systems to ensure that all drainage, storm runoff and subsurface waters are carried into approved watercourses and drainage systems shown on the Official Map. The Planning Board shall further require that all such off-site improvements and/or drainage systems be installed on property granted to the Village by fee, easement or otherwise, as determined by the Planning Board.

(b)

No certificate of occupancy or use shall be issued for the site until all the improvement shown on the site development plan, including off-site requirements required by the site development plan, have been duly installed and all easements and property interests granted or dedicated to the Village.

(c)

A partial certificate of occupancy or use for periods of 90 days, but not more than one year in the aggregate, for a building, structure or part thereof may be issued before all the on-site improvements are complete; provided, nonetheless, that such portion or portions of the site improvements as are necessary to permit the site to be occupied safely without endangering life or the public welfare have been completed. The Building Inspector shall require a cash deposit to ensure and guarantee the completion of the on-site improvements. The Building Inspector shall determine the sum of such cash deposit.

(d)

The site shall be developed in strict conformity with the approved site development plan, except as provided for below. When the approval of a change based on unexpected or unanticipated conditions is requested of the Building Inspector or other appropriate Village agency, such request shall be submitted to the appropriate inspecting agency in writing. No field change shall be valid unless a copy of the requested change is filed with the Planning Board, with the approval of the appropriate agency noted thereon or appended thereto, within five days of such approval. Such change shall be deemed acceptable if not acted upon by the Planning Board within 62 days.

H.

Reservation of parkland on site plans containing residential units.

(1)

Before such authorized board may approve a site plan containing residential units, such site plan shall also show, when required by such board, a park or parks suitably located for playground or other recreational purposes.

(2)

Land for park, playground or other recreational purposes may not be required until the authorized board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Village. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Village based on projected population growth to which the particular site plan will contribute.

(3)

In the event the authorized board makes a finding pursuant to Subsection H(2) that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirements cannot be properly located on such site plan, the authorized board may require a sum of money in lieu thereof to be established by the Village Board of Trustees or alternatively, land and/or improvements may be provided off site at another location mutually agreeable to the developer and the Village. The amount of land and/or improvements shall be equal in value to money offered in lieu thereof and in accordance with the schedule set forth herein. In making such determination of suitability, the board shall assess the size and suitability of lands shown on the site plan which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the authorized board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the Village exclusively for park, playground or other recreational purposes, including the acquisition of property.

(4)

Notwithstanding the foregoing provisions of this subsection, if the land included in a site plan under review is a portion of a subdivision plat which has been reviewed and approved, the authorized board shall credit the applicant for any land set aside or money donated in lieu thereof under such subdivision plat approval. In the event of resubdivision of such plat, nothing shall preclude the additional reservation of parkland or money donated in lieu thereof.

I.

Performance bond. A performance bond may be required by the Planning Board to be posted by the applicant to guarantee to the Village that he or she will faithfully construct, or cause to be constructed, the required public improvements and utilities which were an integral part of his or her approved site plan; and further, that the construction shall be complete within a reasonable period of time. The performance bond will be prepared by the Village Engineer. Performance bond amount, completion schedule, public improvements covered, inspection and bond approval must be received before issuance of a building permit.

J.

Signing and referral of plan. Upon submission of the final site development plan with modifications required by the Planning Board in its final approval and upon satisfaction of any conditions imposed by such approval, the Chairperson of the Planning Board shall sign the approved site development plan and file one copy with the Building Inspector, who may thereafter issue a building permit, certificate of occupancy and certificate of use in reliance thereon, in accordance with Article VII.

K.

Amendment of plan. An application for an amendment of any approved site development plan for a site which has received prior final site development plan approval shall be processed in accordance with the preceding provisions. However, only those site development plan elements proposed to be modified or changed need be presented, except where such modifications or changes have a material and substantial impact on the balance of the site development plan and functioning of the site. Any change constituting an overall site plan change of more than 10%, as determined by the Planning Board, will require a new site plan submission. The applicant's licensed design professional shall submit a letter, and a drawing when necessary, indicating the scope of the proposed change no later than 20 days before a Planning Board meeting for a determination by the Planning Board as to whether the proposed amendment shall require a public hearing. Fees for an amended site development plan approval shall be in accordance with the Standard Schedule of Fees of the Village of Ossining.

Editor's Note: The Schedule of Fees is on file in the Village offices.

L.

Approval of a site development plan shall be valid for one year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during this time period shall cause the site plan approval to become null and void. Upon the request of the applicant, the Planning Board may grant an extension for a period not to exceed one year. There shall be up to two extensions that may be granted, for a total time period of all the extensions, taken together, of no more than two years.

M.

Maintenance. It shall be the duty of every property owner to maintain his/her property in conformity with the approved site development plan. Failure to do so may constitute a violation of this chapter, resulting in civil or criminal penalties, forfeiture of bonds, suspension of consideration of all applications before the Planning Board relating to the same property and other remedies deemed necessary by the appropriate authorities.

N.

Appeal. Any person aggrieved by any decision of the Planning Board hereunder may, within 30 days of the filing of the decision in the office of the Village Clerk, seek judicial review pursuant to Article 78 of the New York State Civil Practice Law and Rules.

## **ARTICLE XI Special Permits (§ 270-53 — § 270-55)**

### **§ 270-53 General provisions.**

A.

Pursuant to the provisions of the Municipal Home Rule Law, the Village Board reserves the approval authority for special permits for certain uses identified in Article III of this chapter. Such uses represent such diverse benefits and impacts on local land uses as to preclude specific descriptions and standards for their approval. The Village board, in considering any application for a special permit hereunder, shall exercise such discretion reserved for legislative matters so as to



ensure that the public health, welfare and safety are protected and the environmental and land resources of the Village are most efficiently utilized.

B.

Applications for special permits pursuant to this article shall be upon forms prescribed by the Village Board and shall contain the information required in the rules and regulations adopted pursuant to this chapter.

C.

Fees for special permit applications and for appeals before the Village Board shall be in accordance with the Standard Schedule of Fees of the Village.

Editor's Note: The Schedule of Fees is on file in the Village offices.

**§ 270-54 Application procedure.**

A.

An applicant for a special permit shall, simultaneously with the filing of an application with the Village Board, file an application for site development plan approval with the Planning Board, together with appropriate plans, drawings and fee for site development plan review. Thereafter, and before the Village Board shall give any consideration to review the application for such special permit, the Planning Board shall review the application for the purpose of preliminary site development plan review and in light of the general considerations herein and specific standards herein for special permits. Thereafter, the Planning Board shall transmit its recommendations to the Village Board within 90 days of the receipt of a complete application for site development plan.

B.

The Village Board, upon receipt of the report by the Planning Board, shall, within 62 days of such receipt, conduct a public hearing and, within 62 days thereafter, render its decision, unless the applicant waives the time requirements of this section.

C.

The Village Board, in approving any special permit thereunder, shall require conformance to any supplementary requirements applying to such uses generally and may establish such other conditions or limitations upon the use, or characteristics of the use, which are reasonably related to the public health, safety and general welfare and as may be necessary to carry out the intent of this chapter.

D.

The decision of the Village Board shall be filed in the office of the Village Clerk and a copy thereof mailed to the applicant. Thereafter, the applicant will proceed with site development plan approval before the Planning Board.

E.

Unless specifically authorized in the decision of the Village Board, no requirement or conditions of such special permit shall be subject to appeal before the Zoning Board of Appeals.

F.

Requirements or conditions imposed by this chapter for any special permit use shall not be waived or reduced by the Village Board and shall be considered to be the minimum requirements for any authorization hereunder, except that the Village Board may authorize further application and action by the Zoning Board of Appeals. Special permits shall be deemed to be indefinite authorization, unless otherwise specified in the approval thereof, but in any case shall expire within 18 months of the date of approval, unless a building permit has been issued for the special permit use. Such period may be extended on separate application to the Village Board.

G.

The grant of special permits for the uses indicated may be conditioned on periodic renewal, which renewal shall be granted following application, public notice and hearing, and may be withheld upon determination that conditions as may have been identified in the original grant requiring that the use be of temporary duration now necessitate cessation of such use or imposition of additional or supplemental safeguards or conditions or that the original conditions as may have been prescribed for such special permit have not been or are not being complied with, wholly or in part. Notices of violation shall be prima facie evidence of lack of conformity to such standards or conditions.

H.



Notice to applicant and county planning board or agency or regional planning council. At least 10 days before such hearing, the authorized board shall mail notices thereof to the applicant and to the county planning board or agency or regional planning council, as required by §§ 239-l, 239-m and 239-n of the New York State General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in Subdivision 1 of § 239-m of the General Municipal Law.

#### **§ 270-55 Appeals from Village Board determinations.**

Any person aggrieved by any decision of the Village Board hereunder may, within 30 days of the filing of the decision in the office of the Village Clerk, seek judicial review pursuant to Article 78 of the New York State Civil Practice Law and Rules.

### **ARTICLE XII Board of Architectural Review (§ 270-56 — § 270-58)**

#### **§ 270-56 Findings; purpose.**

The Board of Trustees hereby finds that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and neighboring areas for residential, business or other purposes and by so doing, impairs the benefits of occupancy of existing property in such areas; impairs the stability and value of both improved and unimproved real property in such areas; prevents the most appropriate development and use of such areas; contributes to the degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety and general welfare of the community; and contributes to the diminution of the taxable value of real property in such areas and its ability to support the municipal services provided therefor. It is the purpose of this article to prevent these and other harmful effects of such exterior appearance of buildings erected or altered in any neighborhood and thus to promote the health, safety and general welfare of the community, conserve the value of buildings and encourage the most appropriate use of land within the Village of Ossining.

#### **§ 270-57 Creation, appointment and organization.**

A.

There is hereby created a Board of Architectural Review which shall consist of each member of the Planning Board who shall serve without compensation. The terms of each member shall run concurrently with his corresponding time on the Planning Board, and appointments of new members shall be automatic as new members are appointed to the Planning Board.

B.

The Chairman and Secretary of the Board of Architectural Review shall be the same Chairman and Secretary serving on the Planning Board. The Board of Architectural Review shall meet concurrently as does the Planning Board. Special meetings, as required, may be held by the Board at its discretion. All minutes, records, decisions or other official actions will be recorded as part of the Planning Board's records under the heading of architectural review and shall be filed with the Village Clerk and become a public record.

#### **§ 270-58 Powers and duties.**

A.

In all cases where site plan approval is required, as stated in other sections of this chapter, the review by the Board of Architectural Review for similarity, dissimilarity or inappropriateness shall be given concurrently or prior to the Planning Board's review for site plan approval. In all cases where site plan approval is not required by the Planning Board, such as for one- and two-family residences not part of a proposed subdivision, separate application shall be made to the Board of Architectural Review, and approval is required prior to the issuance of a building permit. In addition to any notice as may be required by law, the Board of Architectural Review shall cause notice of such application to be mailed at least 10 days before the date scheduled for the review of such application by the Board to all owners of property which lies within 300 feet of any boundary line of the property which is the subject matter of the application and to such other owners as the Board of Architectural Review may deem advisable. The names of said owners shall be taken as they appear on the last completed tax roll of the Village. Provided that due notice shall have been given as otherwise required by law and that there shall have been substantial compliance with the remaining provisions of this section, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Board of Architectural Review in connection with such application.

B.

The Building Inspector shall promptly refer to the Board of Architectural Review every application for a building permit. Such Board may approve, or conditionally approve, subject to specified modifications, or disapprove any application for a

building permit, provided that such Board finds the structure or building, if erected or altered as proposed in the application for building permit, would be so detrimental to the desirability, property values or development of the surrounding areas as to be the cause of one of the harmful effects set forth in § 270-56 hereof by reason of:

(1)

Excessive similarity to any other existing structure or for which a permit has been issued or to any other structure included in the same permit application, facing upon the same or intersecting street and within 500 feet of the proposed site as measured along center lines of streets in a Single-Family Residence District, and within 250 feet of the proposed site in any district other than a Single-Family Residence District, with respect to one or more of the following features:

(a)

Apparently identical front or side elevations;

(b)

Substantially identical size and arrangement of either doors, windows, porticoes or other openings or breaks in the elevation facing the street, including reverse arrangement; or

(c)

Other significant identical features of design, such as, but not limited to, materials, rooflines and height or other design elements.

(2)

Excessive dissimilarity in relation to any other existing structures, or for which a permit has been issued, or to any other structures included in the same permit application, facing upon the same or intersecting street and within 500 feet of the proposed site as measured along center lines of streets in a Single-Family Residence District, and within 250 feet of the proposed site in any district other than a Single-Family Residence District, in respect to one or more of the following features, provided that the finding is not based on personal preference as to taste or choice of architectural style:

(a)

Cubicle contents.

(b)

Gross floor area.

(c)

Height of building or height of roof.

(d)

Other significant design features, such as types of materials used, the durability of materials and the texture of the buildings.

(3)

Inappropriateness in relation to the established character of other structures in the immediate area or neighboring areas with respect to significant design features, such as material or quality of architectural design, provided that the Board shall find that the inappropriateness which exists is of such a nature as to be reasonably expected to be the cause of one or more of the harmful effects set forth in § 270-56 hereof and that the finding is not based on personal preference as to taste or choice of architectural style.

(4)

The Building Inspector shall refuse any building permit application which is disapproved as provided in this section. If the Board of Architectural Review shall fail to disapprove, or conditionally approve, subject to specified modifications, any such application referred to it within 45 days of the receipt of a complete application if such Board shall approve any such application, the Building Inspector shall forthwith issue the building permit, provided that it conforms in all respects to all other applicable laws and regulations.

### **ARTICLE XIII Amendments (§ 270-59)**

#### **§ 270-59 Procedure for amending chapter.**

This chapter, or any part thereof, may be amended, supplemented or repealed from time to time by the Village Board on its own motion or upon recommendation by the Planning Board. Prior to the public hearing specified in Subsection C,



every proposed amendment shall be referred by the Village Board to the Planning Board for a report which shall be rendered within 62 days of such referral.

A.

Report of the Planning Board. In making such report on a proposed amendment, the Planning Board shall make inquiry and determination concerning the items specified below:

(1)

Concerning a proposed amendment to or change in the text of this chapter:

(a)

Whether such change is consistent with the aims and principles embodied in the law as to the particular districts concerned.

(b)

Which areas, land uses, buildings and establishments in the Village will be directly affected by such change and in what way they will be affected.

(c)

The indirect implications of such change in its effect on other regulations.

(d)

Whether such proposed amendment is consistent with the aims of the Comprehensive Plan of the Village and the LWRP.

(2)

Concerning a proposed amendment involving a change in the Zoning Map:

(a)

Whether the uses permitted by the proposed change would be appropriate in the area concerned.

(b)

Whether adequate public school facilities and other public facilities and services, including roads, exist or can be reasonably expected to be created to serve the needs of any additional dwellings or other uses likely to be constructed as a result of such change.

(c)

Whether the proposed change is in accord with any existing or proposed plans in the vicinity.

(d)

The effect of the proposed amendment upon the growth of the Village as envisaged by the Comprehensive Plan and the LWRP.

B.

Each petition for a zoning amendment shall be accompanied by a fee, adequate to cover the cost of processing said petition, payable to the Village Clerk upon the filing thereof. No fee shall be required for petitions filed in favor of or against any application.

C.

By resolution adopted at a meeting of the Village Board, the Village Board shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given in accordance with the provisions of § 7-706 of Article VII of the Village Law. All notices of public hearing shall specify the nature of any proposed amendment; the land or district affected; and the date when and the place where the public hearing will be held. At least 15 days' notice of the time and place of such hearing shall be published in the official newspaper of the Village. When such proposed amendment reflects a change to the Zoning Map, the Village Clerk shall cause notice to be mailed at least 15 days before the hearing to all owners of properties which lie within 300 feet of the map change and to such other owners as the Village Board may deem advisable. The names of said owners shall be taken as they appear on the last completed tax roll of the Village.

D.

Transmission of copy of official notice of public hearing.

(1)

Should any proposed amendment consist of or include either of the two following conditions, the Village Clerk shall transmit to the designated office or official a copy of the official notice of the public hearing not later than 15 days prior to the date of hearing.

(a)

Any change in the boundaries of any district, which change would occur within a distance of 500 feet of the boundary of any village or town.

(b)

Any application for change in the regulations, a use variance, special use permit, site plan review or subdivision review as prescribed for any district, any portion of which is located within 500 feet of the boundary of any village or town.

(2)

The designated official for counties shall be the clerk of the county legislature. In villages and towns, the designated official shall be the clerk of the municipality.

E.

Should any proposed amendment consist of or include any conditions in accordance with §§ 277.61 and 277.71 of the Westchester County Administrative Code and §§ 239-l, 239-m and 239-n of the New York State General Municipal Law, the Village Clerk shall, prior to final action, refer the proposed amendment to the Westchester County Planning Board.

F.

In the case of a protest against any amendment, such amendment shall not become effective except in accordance with the provisions of § 7-708 of Article VII of the Village Law.

#### **ARTICLE XIV Miscellaneous Provisions (§ 270-60 — § 270-62)**

##### **§ 270-60 Interpretation.**

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health and safety, specifically provided to the contrary that it is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelters or premises, nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of a building or premises or requires larger open spaces than are imposed or required by any other statute, law, rule, regulation or permit or by any easement or agreement, the provisions of this chapter shall control.

##### **§ 270-61 Applicability.**

Notwithstanding the repeal of prior ordinances, certain applications, building permits, buildings and approvals shall, in recognition of their particular circumstances and in the interest of fairness, have the status defined below:

A.

Subdivision.

(1)

Subdivision that, before the effective date of Local Law No. 4-2009, have either been granted preliminary or final subdivision approval by the Planning Board shall be governed by the 1990 Zoning Law of the Village of Ossining, New York, and all amendments thereto, and the Village's Subdivision Law, Chapter 233, as it existed on the day immediately prior to the effective date of Local Law No. 4-2009.

(2)

All other subdivision applications shall be governed by the 2009 Zoning Law of the Village of Ossining, New York, and the Village's Subdivision Law, Chapter 233, as they are amended from time to time.

B.

Special permit, conditional use permit, site plan and zoning variance applications.

(1)

Special permit, conditional use permit, site plan and zoning variance applications that have received approval from the Planning Board, Zoning Board of Appeals or Board of Trustees before the effective date of Local Law No. 3-2009 shall be governed by the 1990 Zoning Law of the Village of Ossining, New York, and all amendments thereto. All permits, site plans and variances given this status, if approved, shall subsequently be processed in accordance with normal building permit and construction procedures with the following conditions:

(a)

Special permit, conditional use, site plan or zoning variance approvals granted before the effective date of Local Law No. 3-2009 shall be valid for one year from the effective date of Local Law No. 3-2009 for the purpose of obtaining a building permit. Failure to secure a building permit during this time period shall cause the approval to become null and void.

(b)

Upon the request of the holder of such approval, the Planning Board may grant an extension of such expiration for a period not to exceed one year. There shall be no limit to the number of extensions that may be granted, but the total time period of all extensions requested shall not exceed two years.

(2)

All other special permits, conditional use permits, site plans and variances shall conform to the 2009 Zoning Law of the Village of Ossining, New York, as amended.

C.

Building permits. Building permits issued before the effective date of Local Law No. 3-2009 for construction but which do not conform to the 2009 Zoning Law of the Village of Ossining, New York, as amended, shall nonetheless be valid in accordance with the following schedule:

(1)

The building permit shall be valid during the normal one-year building permit time period;

(2)

The building permit shall be valid during the normal one-year extension time period, if an extension is granted by the Village of Ossining Building Department; and

(3)

For good cause shown, the Village of Ossining Building Department may grant one additional extension for a time period of one year.

**§ 270-62 Severability.**

The provisions of this chapter are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this chapter.

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## APPENDIX C

### CHAPTER 233 – SUBDIVISION OF LAND