

To: Mayor Wiegman and the Croton-on-Hudson Village Board of Trustees; and Jim Staudt, Village Legal Counsel

From: Frank Fish, FAICP and Sarah K. Yackel, AICP

Subject: Draft Local Law for new RA-60 District and Proposed PRE and RA-60 Rezoning

Date: April 20, 2010

Attached for your review is a draft local law intended to implement the proposed recommendations for the establishment of a new RA-60 Single Family Residence District and the remapping of approximately 907-acres within the Village to PRE-1 (110 acres), PRE-3 (372 acres), and the new RA-60 District (425 acres); all of the areas to be rezoned are currently zoned RA-40. The proposed rezoning areas are illustrated on the map included on page 2 of the draft local law.

The draft local law codifies the new RA-60 District and associated rezoning. Please note that changes (additions/deletions) to the existing Village Zoning Code are presented in redline/strikeout. The new RA-60 District has been established as Village Code §230-9.1 and the existing RA-40 District has been renumbered from §230-9 to §230-9.2. Also the redline text included under the new RA-60 District is not new to the Code; rather this is text that was previously included under the RA-40 District that has now been moved to the RA-60 District and deleted from the RA-40 District. Previously the RA-40 District established the base criteria for all other residential districts in the Zoning Code. Now that the Village proposes to establish a larger district (RA-60) the base requirements need to be transferred to the RA-60 District. This change has been reflected throughout the revised Code as presented in the draft local law.

We would be pleased to discuss these recommendations and draft zoning regulations with the Trustees. As you know, the recommendations were developed by the Comprehensive Plan Committee in 2009. The recommendations should be considered a draft that should not be circulated until Jim Staudt has a chance to review them for form and content.

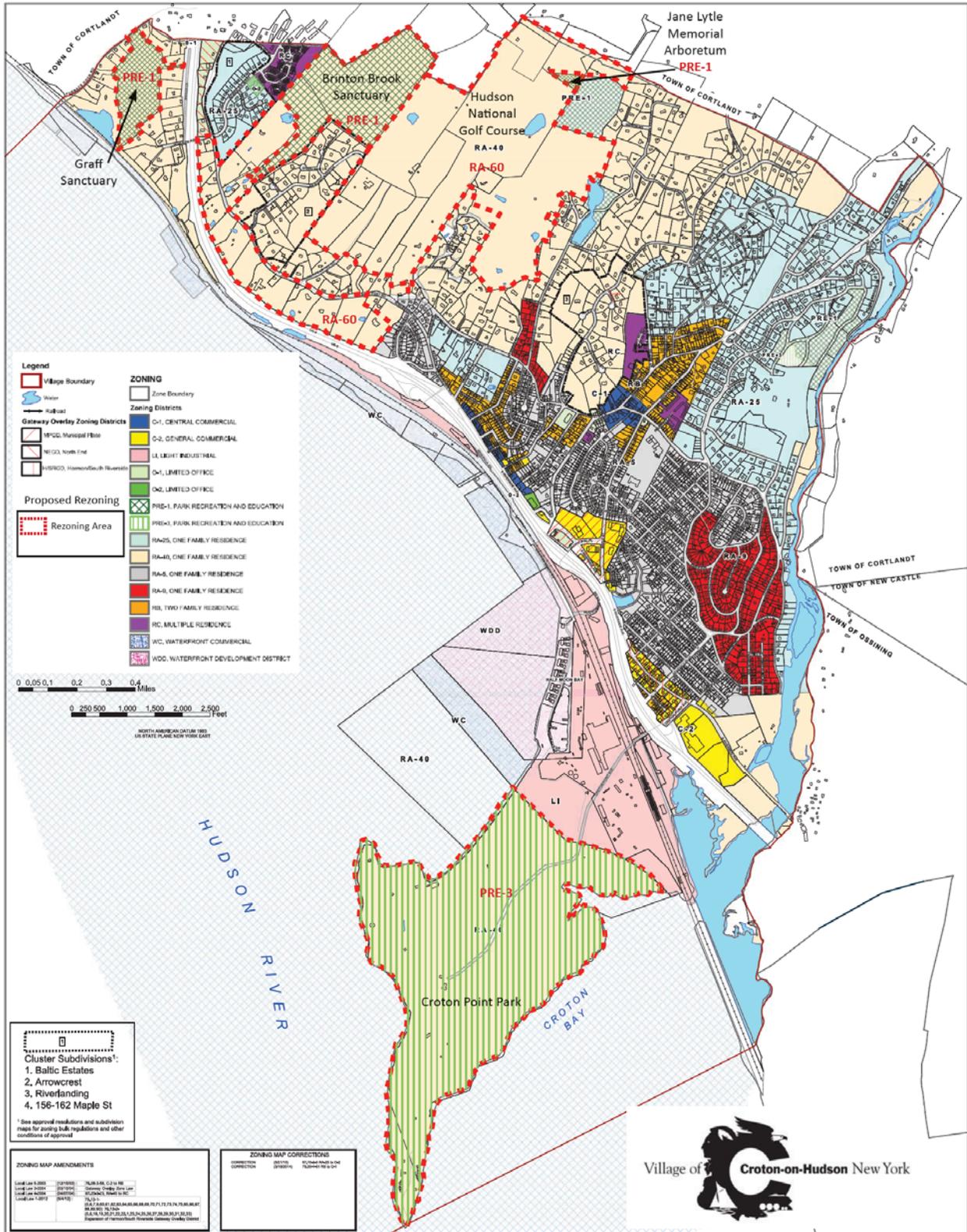
Attachments: Draft Local Law – RA-60 and PRE and RA-60 Remapping

A LOCAL LAW TO AMEND
SECTION 230 OF THE CODE OF THE
VILLAGE OF CROTON-ON-HUDSON
AND THE ZONING MAP ADOPTED
THEREUNDER TO MODIFY THE
EXISTING PRE-1 AND PRE-3 PARK,
RECREATION, AND EDUCATION
DISTRICTS AND ESTABLISH A NEW
RA-60 SINGLE FAMILY RESIDENCE
DISTRICT

Draft 04/20/10

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

Section 1. The Zoning Map of the Village of Croton-on-Hudson, New York, last revised prior to the enactment of this Local Law on January 31, 2005, and now being last revised on [*The Date of Enactment of This Local Law*], which accompanies and is made a part of Chapter 230 of the Village Code pursuant to Village Code Section 230-6 is hereby revised and amended to modify boundaries of the existing PRE-1 and PRE-3 Park, Recreation and Education Districts and to establish the boundaries of a new RA-60 Single Family Residence District, all of which consist of approximately 907 acres in the southern and northern portions of the Village of Croton-on-Hudson. The southern rezoning area consists of Croton Point Park, which is currently zoned RA-40. The northern rezoning areas encompass the Hudson National Golf Club (HNGC) area, two Audubon sanctuaries (Graff Sanctuary and Brinton Brooke Sanctuary), and a narrow length of land along Albany Post Road/Route 9A. All of the northern study area is currently zoned RA-40. The proposed rezoning areas are specifically set forth on the attached map.



Proposed Zoning Map

Section 2. Village Code Section 230 is amended as follows to establish and codify the new RA-60 Single Family Residence District (additions and deletions shown in redline/strikeout):

§ 230-4 Terms defined.

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

- F. Swimming pools either contemplated by § 230-9.1A(6) or conforming to § 230-9.1A(10)(c).

§ 230-5 Classes of districts.

The Village of Croton-on-Hudson recognizes the following zoning districts:

District Title	Symbol	Chapter Section
<u>One-Family Residence</u>	<u>RA-60</u>	<u>§ 230-9.1</u>
One-Family Residence	RA-40	§ 230-9.2
One-Family Residence	RA-25	§ 230-10
One-Family Residence	RA-9	§ 230-11
One-Family Residence	RA-5	§ 230-12
Two-Family Residence	RB	§ 230-13
Multiple Residence	RC	§ 230-14
Limited Office	O-1	§ 230-15
Limited Office	O-2	§ 230-15
Central Commercial	C-1	§ 230-16
General Commercial	C-2	§ 230-17
Light Industrial	LI	§ 230-18
Waterfront Commercial	WC	§ 230-19
Park, Recreation and Education	PRE	§ 230-20
Multiple Development Use	MDU	§ 230-21
Waterfront Development	WD	§ 230-22

§ 230-9.1 One-Family Residence RA-60 District.

- A. In a One-Family Residence RA-60 District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following, and all uses and buildings shall conform to the district bulk and parking regulations in Article VI and the following regulations, whichever are more restrictive:

- (1) The raising of field and garden crops, vineyard and orchard farming, the maintenance of nurseries and the seasonal sale of the products thereof, provided that no building is erected and signs conform with § 230-44P(1)(e).
- (2) One-family detached dwellings not to exceed one such dwelling on each lot and subject to the district bulk and parking regulations in Article VI.
- (3) Municipal buildings, structures and uses, subject to § 230-45.
- (4) Places of worship, including parish houses, schools, philanthropic and eleemosynary institutions, hospitals and sanitariums for general medical care, nursing and convalescent homes and homes for the aged, libraries, arboretums, all subject to a special permit by the Village Board of Trustees and the following requirements. A special permit shall be required for the expansion, extension, reconstruction, rebuilding or relocation of any use or building described in this Subsection A, notwithstanding that it represents an expansion, extension, reconstruction, rebuilding or relocation of a use or building legally in existence on January 1, 2001.

 - (a) Any school permitted under this subsection shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such thereunder.
 - (b) Any school permitted under this subsection shall occupy a lot with an area of not less than three acres.
 - (c) Any philanthropic or eleemosynary institution, hospital, sanitarium, nursing or convalescent home or home for the aged permitted under this subsection shall occupy a lot which shall have an area of not less than five acres and shall be housed only in a building which existed on July 28, 1931, with a total floor area of 3,000 square feet or more.
 - (d) No building or part thereof shall be erected nearer than 100 feet to any street or property line.
 - (e) The sum of all areas covered by all principal and accessory buildings shall not exceed 15% of the area of the lot.
 - (f) Courts shall conform to the requirements of § 230-43B hereof.
- (5) Railroad and public utility rights-of-way and structures necessary to serve areas within the Village; subject, however, to a special permit by the Village Board of Trustees and to such conditions, including appropriate lot size, yard and other bulk regulations, as said Board may impose in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed. No high-

voltage transmission line or tower permitted under this subsection shall exceed 100 feet in height or be located less than 75 feet from any residential property line.

(6) Annual membership clubs, on a lot having an area of not less than five acres, subject to a special permit by the Village Board of Trustees, and provided that any such club is incorporated pursuant to the provisions of the Not-For-Profit Corporation Law or the Benevolent Orders Laws of the State of New York, catering exclusively to members and their guests; and private playgrounds, swimming pools, tennis courts and recreation buildings not conducted as business enterprises, provided that:

(a) The following shall be prohibited:

[1] Outdoor entertainment, live or mechanical.

[2] The use of outdoor public address systems for any purpose.

[3] Exterior lighting, other than the essential for the safety of the users of the premises.

(b) No building or outdoor recreational facility erected under the provisions of this subsection shall be erected nearer than 100 feet to any street or property line.

(7) Subject to a special permit by the Village Board of Trustees, the operation, maintenance and preservation by a membership corporation or association not operated for profit of historic sites, buildings, restorations and landmarks, the maintenance and preservation of historic remains and objects and the exhibition and display of such sites, buildings, restorations, landmarks, remains and other objects to the public, whether indoors or outdoors and whether or not an admission fee is charged, including uses and buildings incidental to or necessary for such operations and also including, as incidental to the foregoing uses, the retail sale of gifts, souvenirs and other appropriate goods and the sale of refreshments, meals and lodging and motel or hotel accommodations. Such special permit shall be issued upon a finding by the Village Board of Trustees that the proposed use is an actual and bona fide historic restoration.

(8) Funeral homes, subject to a special permit by the Village Board of Trustees, in any building in existence on July 28, 1931, with a total floor area in excess of 3,000 square feet situated on a lot of not less than one acre, provided that:

(a) There shall be adequate off-street parking space, and in no event less than set forth in § 230-51A.

(b) There shall be no signs other than those permitted in § 230-44P(1)(e).

- (c) Visiting hours shall be prohibited after 10:00 p.m.
- (d) The principal building shall be located 40 feet or more from any lot or street line.
- (e) There shall be no indoor or outdoor loudspeaker system, floodlights or other outdoor lighting except as approved by the Village Board of Trustees.

(9) (Reserved)²

(10) Accessory uses, limited to the following:

(a) Customary home occupations (which term shall exclude day-care centers and bed-and-breakfast establishments), provided that:

[1] There shall be no signs other than those permitted in § 230-44P(1)(e).

[2] Such occupation is incidental to the residential use of the premises and is carried on by a resident thereon with no nonresident assistants; provided, however, that when the person conducting such home occupation has been legally declared blind or shall otherwise be physically handicapped to the point of being incapable of performing more than 20% of his usual regular work, he may, upon receiving a special permit from the Village Board of Trustees, engage the services of one assistant.

[3] Such occupation is carried on in an area not exceeding 30% of the total floor area of the main building.

(b) Professional office or studio of an architect, artist, dentist, engineer, lawyer, musician, teacher, physician, public accountant, chiropractor, city planner, insurance broker, optometrist, osteopath, real estate broker or ladies' hairdresser, but not including veterinarians, provided that:

[1] Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant.

[2] Such office or studio shall occupy not more than one floor of the main building.

²Editor's Note: Former Subsection A(9) was repealed 1-23-1995 by L.L. No. 3-1995.

- [3] Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.
- (c) Garden house, toolhouse, playhouse, boathouse, greenhouse or swimming pool incidental to the residential use of the premises and not operated for gain, provided that swimming pools with an area of 150 square feet or more and a depth in excess of three feet shall be subject to the following requirements:
- [1] The edge of the pool shall be kept a distance of not less than 10 feet from all property lines.
- [2] If located within 30 feet of any property line, such pool shall be screened from the view of abutting properties.
- (d) Private garage, provided that only one space may be leased to a person not resident on the premises.
- (e) Keeping not more than one boarder or roomer.
- (f) Keeping domestic animals, except pigs, for individual domestic purposes or as pets, provided that not more than three dogs over six months old and not more than 25 fowl shall be permitted, and no animals, except dogs or cats, or fowl shall be penned or housed within 50 feet of any lot line.³
- (g) Day-care centers on a lot having a minimum area of 25,000 square feet, subject to the issuance of a special permit by the Board of Trustees and to the following conditions and limitations:
- [1] There shall be no more than one day-care center per lot.
- [2] The limits of any outdoor play or recreation area shall not extend closer than 20 feet to any residential property line.
- [3] No recreational structure or equipment shall exceed 10 feet in height.
- [4] The habitable floor area of the residence building used for day care shall not exceed 33.3% of the total habitable floor area of the building in which it is contained.
- [5] The maximum number of children using the day-care center at any time shall not exceed 15.

³ Editor's Note: See also Ch. 108, Dogs.

[6] The hours of operation shall be limited to no earlier than 7:00 a.m. and to no later than 7:00 p.m.

[7] The operator of the day-care center shall be the owner and a full-time resident of the building, and there shall be no more than two nonresident employees.

[8] The day-care center shall comply with all applicable conditions and limitations of the New York State Department of Social Services relating to the operation and licensing of day-care centers and shall have all required licenses and certificates.

[9] The single-family character of the residence structure shall not be altered to accommodate the proposed use or the requirements of any other agency, code or regulation, and the applicant for a special permit shall submit to the Board of Trustees floor plans and elevations establishing compliance with this Subsection A(10)(g).

[10] Fourteen copies of an application for a special permit shall be submitted to the Board of Trustees, accompanied by a fee in an amount set from time to time by resolution of the Board of Trustees.⁴ The special permit may be issued only after public hearing and upon determination that the proposed use is in compliance with the conditions set in this Subsection A(10)(g). The initial permit shall be valid for a period not to exceed two years, and a permit may be revoked at any time by the Board of Trustees upon noncompliance with the conditions set forth in this Subsection A(10)(g) or in the permit itself. The permit shall not be effective until the day-care center has been licensed by the New York State Department of Social Services. A renewal permit may be issued without fee for a period not to exceed five years.

[11] Any new owner of the building in which a day-care center is operated must apply to the Board of Trustees for a special permit to continue a day-care center use.

(h) Bed-and-breakfast establishments, subject to the issuance of a special permit by the Board of Trustees and to the following conditions and limitations:

[1] An application for special permit shall be accompanied by a fee in an amount set from time to time by resolution of the Board of Trustees. The special permit may be issued only after public hearing and upon determination that the proposed use is in

⁴ Editor's Note: The current fee resolution is on file in the office of the Village Clerk.

compliance with the conditions and limitations set forth in this Subsection A(10)(h). A permit shall be valid for a period not to exceed two years and may be revoked at any time by the Board of Trustees upon noncompliance with the conditions set forth in this Subsection A(10)(h) or the permit itself. A renewal permit may be issued without fee for a period not to exceed two years.

- [2] The applicant for a special permit shall submit to the Board of Trustees 14 copies of the application and such plans of the structure and layout of the residence as the Board of Trustees deem necessary to assure that the bed-and-breakfast usage complies with this Subsection A(10)(h).
- [3] The applicant shall obtain and submit to the Board of Trustees statements on the adequacy of the premises for purposes of safety, fire protection and structural soundness from the Village Fire Department and the Village Engineer. Such statements shall include recommendations, if any, for improvements or changes deemed advisable, which will be considered by the Board of Trustees in determining the merits of the application.
- [4] The applicant shall be the owner of the premises and a full-time resident of the premises.
- [5] Additions to the residence which increase the building perimeter and/or height or in any other way alter the external appearance of the residence shall not be permitted, and no special permit shall be granted for any residence for which a variance has been granted during the five-year period preceding the submission of the application for a special permit.
- [6] The bedrooms and bathroom of the dwelling used for paying-guest accommodations shall not exceed 33.3% of the existing habitable floor area of the dwelling, and no more than two rooms shall be used as bedrooms for paying guests.
- [7] No more than six guests per night shall be permitted in any bed-and-breakfast establishment, and the Board of Trustees may fix a lower maximum in the permit. No paying guest shall stay on any one visit for more than 15 days.
- [8] The residence in which a bed-and-breakfast establishment is operated shall have a minimum of three off-street parking spaces, and no permit shall be issued if a variance for off-street parking has been granted within five years of the date of the application for special permit.

[9] The residence in which a bed-and-breakfast establishment is operated shall not contain an accessory apartment.

[10] The only meals to be furnished shall be one daily morning meal per paying guest.

[11] One sign designating a bed-and-breakfast establishment shall be permitted, subject to the following conditions:

[a] There shall be no signs other than those permitted in § 230-44P(1)(d).

[12] Any new owner of the residence in which a bed-and-breakfast establishment is operated must apply to the Board of Trustees for a special permit to continue a bed-and-breakfast use.

[13] No two bed-and-breakfast establishments shall be permitted within 1,000 feet of each other.

[14] The impact of a bed-and-breakfast establishment on the surrounding neighbors shall be considered as a condition of the issuance of a special permit.⁵

B. Prior to the issuance of a building permit or change of use or access permit, the site development plan for any use permitted in this district shall be subject to approval by the Planning Board or Board of Trustees, as relevant, in accordance with the provisions of Article XI hereof.

§ 230-9.2 One-Family Residence RA-40 District.

~~A. In a One-Family Residence RA-40 District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following; and all uses and buildings shall conform to the district bulk and parking regulations in Article VI and the following regulations, whichever are more restrictive:~~

A. Any use permitted in One-Family Residence RA-60 Districts and subject to all the regulations therefor, with the exception that the sum of all areas covered by all principal and accessory buildings shall not exceed 20% of the area of the lot.

⁵ Editor's Note: Former Subsection A(10)(i), Signs, which followed this section, was repealed 3-19-2001 by L.L. No. 3-2001. See now § 230-44P.

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

~~voltage transmission line or tower permitted under this subsection shall exceed 100 feet in height or be located less than 75 feet from any residential property line.~~

~~(6) Annual membership clubs, on a lot having an area of not less than five acres, subject to a special permit by the Village Board of Trustees, and provided that any such club is incorporated pursuant to the provisions of the Not For Profit Corporation Law or the Benevolent Orders Laws of the State of New York, catering exclusively to members and their guests; and private playgrounds, swimming pools, tennis courts and recreation buildings not conducted as business enterprises, provided that:~~

~~(a) The following shall be prohibited:~~

~~[1] Outdoor entertainment, live or mechanical.~~

~~[2] The use of outdoor public address systems for any purpose.~~

~~[3] Exterior lighting, other than the essential for the safety of the users of the premises.~~

~~(b) No building or outdoor recreational facility erected under the provisions of this subsection shall be erected nearer than 100 feet to any street or property line.~~

~~(7) Subject to a special permit by the Village Board of Trustees, the operation, maintenance and preservation by a membership corporation or association not operated for profit of historic sites, buildings, restorations and landmarks, the maintenance and preservation of historic remains and objects and the exhibition and display of such sites, buildings, restorations, landmarks, remains and other objects to the public, whether indoors or outdoors and whether or not an admission fee is charged, including uses and buildings incidental to or necessary for such operations and also including, as incidental to the foregoing uses, the retail sale of gifts, souvenirs and other appropriate goods and the sale of refreshments, meals and lodging and motel or hotel accommodations. Such special permit shall be issued upon a finding by the Village Board of Trustees that the proposed use is an actual and bona fide historic restoration.~~

~~(8) Funeral homes, subject to a special permit by the Village Board of Trustees, in any building in existence on July 28, 1931, with a total floor area in excess of 3,000 square feet situated on a lot of not less than one acre, provided that:~~

~~(a) There shall be adequate off-street parking space, and in no event less than set forth in § 230-51A.~~

~~(b) There shall be no signs other than those permitted in § 230-44P(1)(e).~~

~~(c) — Visiting hours shall be prohibited after 10:00 p.m.~~

~~(d) — The principal building shall be located 40 feet or more from any lot or street line.~~

~~(e) — There shall be no indoor or outdoor loudspeaker system, floodlights or other outdoor lighting except as approved by the Village Board of Trustees.~~

~~(9) — (Reserved)⁶~~

~~(10) — Accessory uses, limited to the following:~~

~~(a) — Customary home occupations (which term shall exclude day care centers and bed and breakfast establishments), provided that:~~

~~[1] — There shall be no signs other than those permitted in § 230-44P(1)(e).~~

~~[2] — Such occupation is incidental to the residential use of the premises and is carried on by a resident thereon with no nonresident assistants; provided, however, that when the person conducting such home occupation has been legally declared blind or shall otherwise be physically handicapped to the point of being incapable of performing more than 20% of his usual regular work, he may, upon receiving a special permit from the Village Board of Trustees, engage the services of one assistant.~~

~~[3] — Such occupation is carried on in an area not exceeding 30% of the total floor area of the main building.~~

~~(b) — Professional office or studio of an architect, artist, dentist, engineer, lawyer, musician, teacher, physician, public accountant, chiropractor, city planner, insurance broker, optometrist, osteopath, real estate broker or ladies' hairdresser, but not including veterinarians, provided that:~~

~~[1] — Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant.~~

~~[2] — Such office or studio shall occupy not more than one floor of the main building.~~

⁶Editor's Note: Former Subsection A(9) was repealed 1-23-1995 by L.L. No. 3-1995.

~~[3] Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.~~

~~(e) Garden house, toolhouse, playhouse, boathouse, greenhouse or swimming pool incidental to the residential use of the premises and not operated for gain, provided that swimming pools with an area of 150 square feet or more and a depth in excess of three feet shall be subject to the following requirements:~~

~~[1] The edge of the pool shall be kept a distance of not less than 10 feet from all property lines.~~

~~[2] If located within 30 feet of any property line, such pool shall be screened from the view of abutting properties.~~

~~(d) Private garage, provided that only one space may be leased to a person not resident on the premises.~~

~~(e) Keeping not more than one boarder or roomer.~~

~~(f) Keeping domestic animals, except pigs, for individual domestic purposes or as pets, provided that not more than three dogs over six months old and not more than 25 fowl shall be permitted, and no animals, except dogs or cats, or fowl shall be penned or housed within 50 feet of any lot line.⁷~~

~~(g) Day care centers on a lot having a minimum area of 25,000 square feet, subject to the issuance of a special permit by the Board of Trustees and to the following conditions and limitations:~~

~~[1] There shall be no more than one day care center per lot.~~

~~[2] The limits of any outdoor play or recreation area shall not extend closer than 20 feet to any residential property line.~~

~~[3] No recreational structure or equipment shall exceed 10 feet in height.~~

~~[4] The habitable floor area of the residence building used for day care shall not exceed 33.3% of the total habitable floor area of the building in which it is contained.~~

~~[5] The maximum number of children using the day care center at any time shall not exceed 15.~~

⁷ Editor's Note: See also Ch. 108, Dogs.

~~[6] — The hours of operation shall be limited to no earlier than 7:00 a.m. and to no later than 7:00 p.m.~~

~~[7] — The operator of the day care center shall be the owner and a full-time resident of the building, and there shall be no more than two nonresident employees.~~

~~[8] — The day care center shall comply with all applicable conditions and limitations of the New York State Department of Social Services relating to the operation and licensing of day care centers and shall have all required licenses and certificates.~~

~~[9] — The single family character of the residence structure shall not be altered to accommodate the proposed use or the requirements of any other agency, code or regulation, and the applicant for a special permit shall submit to the Board of Trustees floor plans and elevations establishing compliance with this Subsection A(10)(g).~~

~~[10] — Fourteen copies of an application for a special permit shall be submitted to the Board of Trustees, accompanied by a fee in an amount set from time to time by resolution of the Board of Trustees.⁸ The special permit may be issued only after public hearing and upon determination that the proposed use is in compliance with the conditions set in this Subsection A(10)(g). The initial permit shall be valid for a period not to exceed two years, and a permit may be revoked at any time by the Board of Trustees upon noncompliance with the conditions set forth in this Subsection A(10)(g) or in the permit itself. The permit shall not be effective until the day care center has been licensed by the New York State Department of Social Services. A renewal permit may be issued without fee for a period not to exceed five years.~~

~~[11] — Any new owner of the building in which a day care center is operated must apply to the Board of Trustees for a special permit to continue a day care center use.~~

~~(h) — Bed and breakfast establishments, subject to the issuance of a special permit by the Board of Trustees and to the following conditions and limitations:~~

~~[1] — An application for special permit shall be accompanied by a fee in an amount set from time to time by resolution of the Board of Trustees. The special permit may be issued only after public hearing and upon determination that the proposed use is in~~

⁸ Editor's Note: The current fee resolution is on file in the office of the Village Clerk.

~~compliance with the conditions and limitations set forth in this Subsection A(10)(h). A permit shall be valid for a period not to exceed two years and may be revoked at any time by the Board of Trustees upon noncompliance with the conditions set forth in this Subsection A(10)(h) or the permit itself. A renewal permit may be issued without fee for a period not to exceed two years.~~

~~[2] The applicant for a special permit shall submit to the Board of Trustees 14 copies of the application and such plans of the structure and layout of the residence as the Board of Trustees deem necessary to assure that the bed and breakfast usage complies with this Subsection A(10)(h).~~

~~[3] The applicant shall obtain and submit to the Board of Trustees statements on the adequacy of the premises for purposes of safety, fire protection and structural soundness from the Village Fire Department and the Village Engineer. Such statements shall include recommendations, if any, for improvements or changes deemed advisable, which will be considered by the Board of Trustees in determining the merits of the application.~~

~~[4] The applicant shall be the owner of the premises and a full time resident of the premises.~~

~~[5] Additions to the residence which increase the building perimeter and/or height or in any other way alter the external appearance of the residence shall not be permitted, and no special permit shall be granted for any residence for which a variance has been granted during the five year period preceding the submission of the application for a special permit.~~

~~[6] The bedrooms and bathroom of the dwelling used for paying guest accommodations shall not exceed 33.3% of the existing habitable floor area of the dwelling, and no more than two rooms shall be used as bedrooms for paying guests.~~

~~[7] No more than six guests per night shall be permitted in any bed and breakfast establishment, and the Board of Trustees may fix a lower maximum in the permit. No paying guest shall stay on any one visit for more than 15 days.~~

~~[8] The residence in which a bed and breakfast establishment is operated shall have a minimum of three off-street parking spaces, and no permit shall be issued if a variance for off-street parking has been granted within five years of the date of the application for special permit.~~

~~[9] The residence in which a bed and breakfast establishment is operated shall not contain an accessory apartment.~~

~~[10] The only meals to be furnished shall be one daily morning meal per paying guest.~~

~~[11] One sign designating a bed and breakfast establishment shall be permitted, subject to the following conditions:~~

~~[a] There shall be no signs other than those permitted in § 230-44P(1)(d).~~

~~[12] Any new owner of the residence in which a bed and breakfast establishment is operated must apply to the Board of Trustees for a special permit to continue a bed and breakfast use.~~

~~[13] No two bed and breakfast establishments shall be permitted within 1,000 feet of each other.~~

~~[14] The impact of a bed and breakfast establishment on the surrounding neighbors shall be considered as a condition of the issuance of a special permit.⁹~~

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

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

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

A. Any use permitted in One-Family Residence RA-~~40-60~~ Districts and subject to all the regulations therefor, with the exception that the sum of all areas covered by all principal and accessory buildings shall not exceed 25% of the area of the lot.

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

⁹ Editor's Note: Former Subsection A(10)(i), Signs, which followed this section, was repealed 3-19-2001 by L.L. No. 3-2001. See now § 230-44P.

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

- A. Any use permitted in One-Family Residence RA-~~40-60~~ Districts and subject to all the regulations therefor, with the exception that the sum of all areas covered by all principal and accessory buildings shall not exceed 35% of the area of the lot.

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

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

- A. Any use permitted in One-Family Residence RA-~~40-60~~ Districts and subject to all the regulations therefor, with the exception that the sum of all areas covered by all principal and accessory buildings shall not exceed 40% of the area of the lot.

§ 230-13 Two-Family Residence RB District.

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

- A. Any use permitted in One-Family Residence RA-~~40-60~~ Districts and subject to all the regulations therefor, with the exception that the sum of all areas covered by all principal and accessory buildings shall not exceed 40% of the area of the lot.
- B. Two-family dwellings.
- C. Boarding- or rooming house in which not more than three persons, in addition to the family residing therein, are housed or lodged for compensation, with or without meals.

§ 230-22 Waterfront Development (WD) District.

- E. Accessory uses. No accessory uses shall be permitted except for those which are deemed by the Planning Board during the site development plan review process to be customarily incidental to the permitted uses in § 230-22D(1) through (3) above and the following:
 - (1) Customary home occupations in accordance with the requirements of § 230-9.1A(10)(a) of this chapter.
 - (2) Professional offices or studios in accordance with the requirements of § 230-9.1A(10)(b) of this chapter.

- (3) Retail sales of items incidental to the conduct of nonresidential uses approved on the final site development plan.

§ 230-33 One-Family **RA-60**, RA-40, RA-25, RA-9 and RA-5 Districts,

- A. Bulk and parking regulations for One-Family Districts. The bulk and parking regulations for One-Family Residence Districts **RA-60**, RA-40, RA-25, RA-9 and RA-5 shall be as follows: (See also Article II, Definitions; Article IV, District Use Regulations; Article VII, Supplementary Regulations; and Article VIII, Off-Street Parking, Driveways and Loading Facilities.)

	For Uses In				
	RA-60	RA-40	RA-25*	RA-9*	RA-5*
Minimum Required					
Lot area (square feet)	<u>60,000</u>	40,000	25,000	9,375	5,000
Lot width (feet)	<u>175</u>	150	125	75	50
Lot depth (feet)	<u>225</u>	200	150	125	100
Front yard (feet)	<u>50</u>	50	40	25	15
One side yard (feet)	<u>30</u>	30	20	12	8
Both side yards (feet)	<u>80</u>	80	50	30	20
Rear yard (feet)	<u>45</u>	40	30	30	25
Minimum habitable floor area per dwelling unit					
Total (square feet)	<u>1,400</u>	1,400	1,200	1,000	880
Main floor (square feet)	<u>880</u>	880	880	880	--
Off-street parking spaces per dwelling unit	<u>2</u>	2	2	2	2
Maximum Permitted					
Building height					
Stories	<u>2 1/2</u>	2 1/2	2 1/2	2 1/2	2 1/2
Feet	<u>35</u>	35	35	35	35
Building coverage (percent)	<u>15</u>	20	25	35	40
Floor area ratio	<u>0.15</u>	0.15	0.20	0.40	0.55

*NOTE: All permitted nonresidential uses shall conform to the regulations for such uses in RA-~~40~~-60 Districts.

§ 230-40 Supplementary regulations applicable to residence districts.

- G. Existing small lots in all RA and RB Districts.

- (1) Less than required area or width. A lot owned individually and separately on January 22, 1962, and owned individually and separately at all times thereafter, which has a total area or width less than prescribed herein, may be used for a one-family residence in RA and RB Districts and a two-family residence in RB Districts, provided that such a lot shall be developed in conformity with all applicable district regulations other than the minimum lot area and lot width requirements, and with the minimum side yards set forth below:

**For Lots With a Width
of:**

	At Least or More Than (feet)	Less Than (feet)	Minimum Side Yard (feet)	Total of Both Side Yards (feet)
For one-family residence in:				
<u>RA-60</u>	<u>100</u>	<u>125</u>	<u>20</u>	<u>45</u>
RA-40	100	125	20	45
RA-25	75	100	15	40
RA-9	50	75	8	20
RA-5	--	50	5	13
RB	--	50	5	13
For two-family residences in:				
RB	50	75	8	20

§ 230-44 Signs.

P. District standards. The following signage shall be permitted within the districts listed below and shall be regulated therein, as follows. Said signage shall also conform to the provisions of Subsections A through O above, as qualified in Subsection B.

- (1) One-Family Residence RA-60, RA-40, RA-25, RA-9, RA-5 Districts; Two-Family Residence RB District; Multiple Residence RC District.

(e) Signs conforming to the following shall be permitted as accessory uses:

- [2] One externally illuminated bulletin board or other announcement sign for educational or religious institutions permitted in § 230-9.1A(4) of this chapter, with an area of not over 12 square feet.

§ 230-171 Certificate of occupancy.

- B. No certificate of occupancy shall be issued for any use of a building or of land allowed by special permit as specified in §§ 230-9.1 and 230-162B of this chapter unless and until such special permit has been duly issued by said Board. Every certificate of occupancy for which a special permit has been issued or in connection with which a variance has been granted shall contain a detailed statement of such special permit or variance and of any conditions to which the same is subject.

Section 3. Village Code Schedule 230 B, “Schedule of Uses,” adopted pursuant to Village Code Section 230-5(A) is hereby amended to reference the new RA-80 District regulations as follows:

230 Attachment B

Village of Croton-on-Hudson
Schedule of Uses

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

[Added 1-31-2005 by L.L. No. 1-2005; Amended X-XX-2010 by L.L. X-2010]

District/Code Section	Permitted Principal Uses	Special Permit Uses	Accessory Uses
Residential Districts			
<u>RA-60/§230-9.1</u> <u>RA-40/§230-9.2</u> RA-25/§230-10 RA- 9/§230-11 RA-5/§230-12 One-Family Residence	1. One-family detached dwellings 2. Municipal buildings, structures, and uses 3. Raising of field and garden crops, vineyard and orchard farming, maintenance of nurseries and seasonal sale of products (no building may be erected)	1. Places of worship and parish houses, schools, philanthropic and eleemosynary institutions, hospitals and sanitariums, nursing and convalescent homes, or homes for the aged ¹ 2. Libraries 3. Arboretums 4. Railroad and public utility rights-of way and structures ² 5. Annual membership clubs ³ 6. Operation, maintenance and preservation of historic sites, buildings, restorations, and landmarks 7. Funeral homes ⁴ 8. Day-care centers, as accessories to principal use ⁵ 9. Bed-and-breakfast establishments as accessories to principal use ⁶	1. Customary home occupations ⁷ 2. Professional offices and studios ⁸ 3. Garden house, tool house, playhouse, greenhouse or swimming pool ⁹ 4. Private garage for residents and leasing (not more than one space) to nonresidents 5. Roomers/boarders (not more than one) 6. Domestic animals ¹⁰
RB/§230-13 Two-Family Residence	1. Any use permitted in <u>RA-60 RA-40</u> districts 2. Two-family dwellings 3. Boarding- or rooming house, with not more than three persons in addition to residing family	Any special permit use permitted in <u>RA-40RA-60</u> districts	Any accessory use permitted in <u>RA-60 RA-40</u> districts
RC/§230-14 Multiple Residence	1. All RA-9 and RB uses 2. One office or studio per 20 d.u.s. ¹¹ 3. Dwelling for three or more families; lot under single owner	Any special permit use permitted in <u>RA-60 RA-40</u> districts	Any accessory use permitted in <u>RA-60 RA-40</u> districts

District/Code Section	Permitted Principal Uses	Special Permit Uses	Accessory Uses
Office Districts			
O-1/§230-15 Limited Office	-1. Any use permitted in RB districts -2. Business and professional offices, and research, design and development laboratories ¹²	Special uses permitted in RA-40RA-60 districts	-1. Any accessory uses permitted in RB districts -2. Accessory uses to business and professional offices, research, design and development laboratories
O-2/§230-15 Limited Office	1. Business and professional offices, showrooms, and research, design and development laboratories, including clinics, cafeterias, and recreational facilities for exclusive use of company employees 2. Manufacturing, assembling, converting, altering, finishing, cleaning or other processing of products, not using more than 40% of total floor area ¹³	Special uses permitted in RA-40RA-60 districts	None
Commercial Districts			
C-1/§230-16 Central Commercial	1. Retail stores and banks 2. Personal service establishments 3. Business, professional or government offices 4. Service establishments of a nonpersonal nature 5. Theaters and restaurants 6. Outlets and pickup stations for laundries and cleaning establishments ¹⁴ 7. Newspaper printing ¹⁵ 8. Schools and places of worship 9. Signs accessory to an establishment ¹⁶	1. Light manufacturing, assembling, converting, altering, finishing, cleaning or other processing of products, where goods are sold on and off the premises ¹⁷ 2. Social clubs or other nonprofit organizations 3. Public utility structures 4. Day-care centers ¹⁸ 5. Mixed-occupancy in accordance with §230-42.1	None
C-2/§230-17 General Commercial	Any use permitted in C-1 districts, except retail stores	1. Retail stores 2. Motor vehicle service stations ¹⁹ 3. Social clubs or other nonprofit organizations 4. Bowling alleys, billiards halls, miniature golf courses and similar amusement establishments 5. Storage or repair garages 6. Animal hospitals ²⁰ 7. Hotels or inns ²¹	Customary accessory uses to automobile sales and service agencies

230 Attachment B:2

xx-xx-2010

District/Code Section	Permitted Principal Uses	Special Permit Uses	Accessory Uses
Waterfront Development District			
WD/§230-22.D and 230-22.E Waterfront Development District	1. Recreational uses: - Swimming, waterskiing, fishing, sailing and boating - Ice skating - Tennis, platform tennis and other racquet sports, handball, basketball and other similar sports - Picnic areas, playgrounds and trails 2. Residential uses: - Attached or detached single-family dwellings - Two-family dwellings - Multiple-family dwellings - Recreational and public assembly facilities associated with residential development	1. Restaurants 2. Marinas and yacht clubs 3. Ferry terminals 4. Docks and piers for any permitted uses under this section 5. Repair facilities for recreational boats 6. Public utilities 7. Municipal facilities, subject to §230-45 8. Cultural uses: - Performing arts theaters - Temporary art, craft and educational exhibits - Band shells - Museums	1. Customary home occupations in accordance with §230-9.1A(10)(a) 2. Professional offices or studios in accordance with §230-9.1A(10)(b) 3. Retail sales of items incidental to conduct of nonresidential uses approved on final site development plan

NOTES:

¹ See § 230-9.1A(4)(a) through (f).

² See § 230-9.1A(5).

³ See § 230-9.1A(6).

⁴ See § 230-9.1A(8).

⁵ See § 230-9.1A(10)(g).

⁶ See § 230-9.1A(10)(h).

⁷ See § 230-9.1A(10)(a).

⁸ See § 230-9.1A(10)(b).

⁹ See § 230-9.1A(10)(c).

¹⁰ See § 230-9.1A(10)(f).

¹¹ See § 230-14A(1)(a).

¹² See § 230-15A(2).

¹³ See § 230-15B(1)(b).

¹⁴ See § 230-16A(6).

¹⁵ See § 230-16A(7).

¹⁶ See § 230-16A(9).

¹⁷ See § 230-16B(1).

¹⁸ See § 230-16B(4).

¹⁹ See § 230-17B(1).

²⁰ See § 230-17B(5).

²¹ See § 230-17B(7).

²² See § 230-18 for additional regulations.

²³ See § 230-18C(2).

²⁴ See § 230-18C(7).

²⁵ See § 230-20F.

²⁶ See § 230-20D(1).

Section 4. Village Code Schedule 230 C, “Area and Bulk Schedule,” adopted pursuant to Village Code Section 230-5(A) is hereby amended to add a new Row RA-60 under “District” and above Row “RA-60” with the following values for the corresponding lot and building limitations as to use, minimum size of lot, maximum percent of lot to be occupied, minimum yards dimensions and separations, maximum heights, maximum floor areas, and other

230 Attachment C

Village of Croton-on-Hudson
Area and Bulk Schedule

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

[Added 1-31-2005 by L.L. No. 1-2005; Amended X-XX-2010 by L.L. X-2010]

District	Code Text Section	Minimum Lot Area (square feet)	Maximum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Yards (feet)			Habitable Floor Area (square feet)	Floor Area Ratio ¹	Maximum Height (stories/feet)	Building Coverage	Required Off-Street Parking
					Front	Side One/Both Yards	Rear					
RA-60	<u>§230-33</u>	<u>60,000</u>	<u>175</u>	<u>225</u>	<u>50</u>	<u>35/80</u>	<u>45</u>	<u>Per d.u.: 1,400</u> <u>Main floor: 880</u>	<u>0.15</u>	<u>2.5/35</u>	<u>15%</u>	<u>2 per d.u.²</u>
RA-40	§230-33	40,000	150	200	50	30/80	40	Per d.u.: 1,400 Main floor: 880	0.15	2.5/35	20%	2 per d.u. ²

NOTES:

¹ See Article VI, district Bulk and Parking Regulations, § 230-33B for calculation of FAR for oversized and undersized lots.

² Per d.u. - per dwelling unit.

requirements set forth in the schedule:

Section 5. Village Code Schedule 230 D, “Special Permit Schedule,” adopted January 31, 2005 is hereby amended to reference the new RA-60 District code section under the “Code Section” column as follows:

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

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

[Added 1-31-2005 by L.L. No. 1-2005; ~~Amended X-XX-2010 by L.L. X-2010~~]

Use or Action (requiring special permit)	Code Section	Board of Jurisdiction		
		Board of Trustees	Planning Board	Zoning Board of Appeals
SPECIAL USE PERMITS				
In Residential Zoning Districts:				
Places of worship, schools, philanthropic and eleemosynary institutions, hospitals, sanitariums, nursing and convalescent homes, homes for the aged, libraries and arboretums	§ 230-9.1	X		
Railroad and public utility rights-of-way	§ 230-9.1	X		
Annual membership clubs	§ 230-9.1	X		
Operation or maintenance of historic sites and buildings	§ 230-9.1	X		
Funeral homes	§ 230-9.1	X		
Employment of one assistant for customary home occupations	§ 230-9.1	X		
Day-care centers	§ 230-9.1	X		
Bed-and-breakfasts	§ 230-9.1	X		
Accessory apartments	§ 230-41	X		

Section 6. Severability. The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 7. Effective Date. This local law shall take effect immediately upon its filing in the Office of the Secretary of State of New York in accordance with the provisions of the Municipal Home Rule Law.