

**VILLAGE OF CROTON-ON-HUDSON
BOARD OF TRUSTEES**

LOCAL LAW INTRODUCTORY NO. 11 OF 2022

**A LOCAL LAW TO AMEND THE PROVISIONS OF THE ZONING CODE OF THE
VILLAGE OF CROTON-ON-HUDSON TO EXPAND THE AREA OF, AND MODIFY THE
ZONING REGULATIONS FOR AND RELATED TO, THE HARMON/SOUTH RIVERSIDE
GATEWAY AREA**

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:
(deleted language in ~~strikeout~~, added language in **bold**)

Section 1. Section 230-20.3.B.(3) of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

(3) In the Harmon/South Riverside Gateway District area, mixed use **or multi-family residential buildings**, by special permit of the Village Board of Trustees, subject to the following requirements and criteria and to the requirements/criteria contained in Article X of this chapter:

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

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

[2] There shall be no percentage restrictions on the amount of residential versus nonresidential space on the second or third floor of a mixed-use building.

[3] Residential dwelling units may be studios, one-bedroom units and two-bedroom units only. No more than 50% of the total number of dwelling units in a building may be two-bedroom units.

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

[1] Maximum floor area ratio (FAR) shall be 0.8.

[2] Maximum height shall be 35 feet/three stories; ~~provided, however, that the third story must be constructed within the roofline of the building.~~

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

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

[a] Reducing the setback(s) will facilitate more parking to be provided in the rear of the building than would otherwise be the case.

[b] Reducing the setback(s) will facilitate the interconnection of rear parking lots with those on adjoining property(ies).

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

[5] With the exception described below, preexisting buildings which do not meet the front yard setback required herein (15 feet to 20 feet) or any of the other area requirements of this chapter (e.g. rear yard setback) shall not be permitted to have a FAR of 0.8 nor to add third-story occupancy. They shall be governed by the FAR and story limitations of their underlying zone; provided, however, that preexisting buildings which are otherwise area-compliant, but whose front yard setback is between 10 feet and 20 feet (instead of the required 15 feet to 20 feet) shall be permitted to have a FAR of 0.8 and third-story occupancy.

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

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

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

(d) Parking.

[1] Notwithstanding any other provision of this Code to the contrary, for mixed-use **and multi-family residential** buildings in the Harmon/South Riverside Gateway area there shall be provided at least the following amount of parking for each residential dwelling unit: one parking space plus one additional parking space for each bedroom in the unit in excess of one bedroom. (Examples: studio apartment: one space; one-bedroom apartment: one space; two-bedroom apartment: two

spaces.) The minimum parking for nonresidential space shall be as otherwise required by this chapter. The Village Board of Trustees, as part of its special permit determination, shall have the authority to increase these parking requirements. In the case of each application, the Village Board of Trustees shall consider and make a finding as to whether the above-stated parking requirements are adequate or will be increased based upon the following factors:

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

[b] Whether the applicant is willing to limit areas of the building to only certain uses.

[c] The square footage of each of the proposed residential and commercial units in the building.

[d] The availability of nearby municipal parking.

[e] Such other factors as the Board may deem relevant on a case-by-case basis.

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

Section 2. Section 230-20.4 Area and bulk regulations for the Gateway Overlay Districts shall be amended to read as follows:

§230-20.4 Area and bulk regulations.

- A. Maximum allowable floor area ratio. With the exception of mixed-use **or multi-family residential** development in the Harmon/South Riverside area and multi-family or mixed occupancy development permitted in the Municipal Place Gateway area as permitted in Section 230-20.3B(4) above, the maximum floor area ratio (FAR) standards that shall be adhered to for new development shall be the FAR listed for the underlying zone or the following, whichever is more restrictive:
 - (1) For single-use properties, that is, a property proposed for only one principal permitted use: 0.35.
 - (2) For multi-use properties, including combinations of retail and office, retail and residential uses or office and residential: 0.40.
- B. Maximum building square footage. With the exception of lots within the C-2 Zoning District in the Municipal Place Gateway area fronting on Municipal Place, the maximum permissible square footage for any single building shall not exceed 20,000 square feet. This requirement is imposed in order to encourage a compact urban design of the gateway.
- C. Maximum permitted square footage for any single commercial use. With the exception of lots within the C-2 Zoning District in the Municipal Place Gateway fronting on Municipal Place, the maximum permissible square footage for any single commercial use by any single occupant or tenant shall not exceed 8,000 square feet of gross floor area.

D. Maximum height. Maximum height shall be as permitted for the underlying zone as provided elsewhere in this Chapter, except for the following:

- (1) Maximum height for mixed use **or multi-family residential** development in the Harmon/South Riverside Gateway area shall be 3 stories and 35 feet, ~~Provided, however, the third story must be constructed within the roofline of the building, as set forth in §230-20.3B(3) above.~~
- (2) Maximum height for buildings within the C-2 Zoning District in the Municipal Place Gateway area on lots fronting on Municipal Place shall be 3 stories and 35 feet.

Section 3. Chapter 230 Attachment E, Gateway Districts Location, is amended to add the following Tax Map Lots to the Harmon/South Riverside Gateway District, and these lots are hereby rezoned to be included in the Harmon/South Riverside Gateway District.

Tax Map Lots numbered 79.13-1-76, 79.13-1-77, 79.13-1-83, 79.13-1-84, 79.13-2-91

Section 4. The rear portion of the property known as Tax Map Lot numbered 79.13-2-91 is hereby rezoned from RA-5 to C-2 such that the entire Tax Map Lot is zoned C-2 and the zoning map shall hereby be amended to reflect such change.

Section 5. Severability

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 6. Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.