

## ***Proposed Zoning***

***July 14, 2017***

*(Additions indicated in underline, deletions in strikeout. Text shown in red indicates change suggested to respond to public hearing comments.)*

### **Chapter 185. Zoning**

#### **Article I. General Provisions**

##### **§ 185-3. Definitions and word use.**

B.

Specific definitions. As used in this chapter, unless the context or subject matter otherwise requires, the following words shall have the following meanings:

##### **ADDITION**

**An extension or increase in floor area or height of a building or structure.**

##### **ALTERATIONS**

Any change, or rearrangement ~~or addition~~ to a structure other than repairs; any modification in construction or in building equipment.

##### **AVERAGE FINISHED GRADE**

**A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. See the definition for *height* and the diagram in Appendix I.**

##### **BUILDING**

Any structure specifically having a roof supported by walls, columns, piers and any structural type frame and intended for the shelter, housing or enclosure of persons, animals, chattel or space; shall include the term *accessory building*.

##### **BUILDING, ACCESSORY**

A building whose use is related, but incidental and subordinate, to that of the primary building on the lot. Accessory buildings include but are not limited to garden house, toolhouse, storage shed, children's playhouse, greenhouse, or private garage or carport for off-street parking of passenger automobiles of residents of the premises. **Such structure shall not be utilized for human occupancy uses such as living, sleeping, cooking, eating or as a studio, gym or exercise/recreation facility, office or similar.**

##### **CELLAR**

A story partly underground and having more than 1/2 of its height below the average finished grade of the adjoining ground. A cellar ~~is not to be used for living space and~~ shall not be considered in determining the permissible number of stories.

## COVERAGE, BUILDING

That percentage of the gross lot area covered by the combined areas of all buildings on the lot, plus the areas of all decks and porches as viewed from above, excluding roof overhangs up to 2 feet projection and structures ~~those~~ located wholly underground. The term shall not include the items listed under the definition for structure, except: all detached accessory buildings; generators; and structures such as pergolas, porches and trellises.

## ENLARGEMENT

An increase in the size of an existing structure, building or use, including the physical size of a property, structure, building, parking or other improvements.

## FLOOR AREA, GROSS AGGREGATE

The sum of the gross horizontal areas of the several floors of the building or buildings on a lot measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, excluding:

(1)

Roof areas;

(2)

Cellar and basement areas used only for incidental storage or for the operation and maintenance of the building; ~~and~~

(3)

Any areas devoted only to accessory off-street parking or loading; and

(4)

Open porches, crawl spaces, unenclosed attached decks, unconditioned enclosed porches or breezeways.

## HEIGHT

The vertical distance measured from the average finished grade ~~at all foundation corners~~ of a building or structure measured from a distance ~~six~~ **five** feet horizontally from said building or structure to the highest point of the roof for flat or mansard roofs or to the mean height between the eaves and the ridge for other types of roofs or, if a structure without a roof, then to the highest point of the structure. In addition, where "grade" is defined to be the average level of the ground adjacent to the building, the average height of the building wall facing the street shall not exceed 1.25 times the maximum height allowed in that district. The height limitations specified in each district shall not apply to:

(1)

Spires, belfries, cupolas and domes not for human occupancy, water towers, chimneys or flagpoles or parapets and guardrails for safety purposes not to exceed 3 feet high.

(2)

Bulkheads, elevator penthouses, fire towers, cooling towers, air-conditioning structures or other similar structures, provided that such structures:

(a)

Do not occupy more than an aggregate 25% of the area of the roof;

(b)

Are set back at least 10 feet from the front and rear walls and three feet from the side walls of the building; except that walls of elevators and stair enclosures may be built as upward extensions of the side walls where required by the plan of the building; and

(c)

Do not exceed 15 feet in height; except that such structures may be increased one foot in height for every one foot the structure is set back more than 10 feet from the nearest wall.

(3)

Wireless telecommunications services facilities as otherwise regulated in Article VIIA of this chapter.

(4)

Antennas as otherwise regulated in Article VIIB of this chapter

#### **LOT, CORNER**

(1)

A lot located at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135°; ~~or~~

(2)

Any lot abutting a curved street, where the interior angle formed by the intersection of lines drawn tangent to the street at the points of intersection of street and lot lines does not exceed 135°; or

(3)

**Consists of two front yards and two side yards but no required rear yard.**

#### **LOT LINE, FRONT**

In the case of a lot abutting upon only one street, the line(s) separating the lot from the street; or in the case of a lot abutting upon more than one street **but not deemed a corner lot**, the line(s) separating the lot from the street and generally opposite and closest to the longest side of the principal building located thereon; or in the case of a lot having no frontage and deriving access to a street by way of an easement, the lot line that is generally parallel to and nearest the street from which the lot derives access shall be deemed the "front lot line." **In addition, in the case of**

a through lot having frontage on two streets, the front yard setback and all other requirements applicable to front yards shall apply to both streets.

#### **LOT, THROUGH**

A lot which is not a corner lot and which has two street lines and consists of two front yards, two side yards but no required rear yard.

#### **QUICK PRINTING ESTABLISHMENT**

~~An establishment that uses reprographic and/or photocopy machines to reproduce copies of printed materials but does not use a printing press to produce its product.~~

#### **STRUCTURE**

An assembly of materials forming any construction, framed of component structural parts for occupancy or use. The term "structure" shall include the term "building" as well as but not limited to the following accessory structures:

(1)

Signs, as permitted and regulated in Chapter 148, Signs and Outdoor Display Structures, of the Village Code.

(2)

Fences over six feet six inches in height.

(3)

Walls, other than retaining and garden walls less than four ~~three~~ feet in height.

(4)

Wireless telecommunications services facilities.

(5)

Antennas, except for such antennas installed on the roof of a building and extending not more than 12 feet above the highest level of the roof of such building.

(6)

Detached pergolas, porches, patios, terraces, sheds and other similar structures.

(7)

Swimming pools.

(8)

Attached and detached wooden decks.

(9)

Generators, HVAC condensing units, solar voltaic panels and similar.

**§ 185-7. Application of chapter.**

B.

Yards and open space.

(1)

No yard or open space required in connection with any building or use shall be considered as providing the required yard or open space for any other building on the same or on any other lot. Except as otherwise permitted in this chapter, no principal ~~or accessory~~ buildings, including any attached open or closed decks, porches, porticos, platforms and similar or detached accessory buildings and structures, ~~decks or porches~~ may be located within any required yard.

**Article II. Residence Districts**

**§ 185-8. One-Family Residence RRR District.**

B.

Accessory uses. Accessory uses shall be limited to the following:

(2)

Garden house, toolhouse, storage shed, children's playhouse, greenhouse, or private garage or carport for off-street parking of passenger automobiles of residents on the premises, provided that no ~~such~~ accessory structure or use thereof, except HVAC condensing units, shall be:

(a)

Nearer to the front lot line than 60 feet.

(b)

Nearer to any rear or side lot line than five ~~three~~ feet.

(c)

Higher than one story (maximum 15 feet).

(d)

Used for human habitation, such as living, sleeping, cooking, eating, or as a studio, gym, exercise/recreation facility, office or similar.

(5)

Fences or garden walls (retaining and garden types) for permitted residential uses shall be limited to four feet in height in any front yard and six feet six inches in height in any rear or side yard. For all other permitted uses, such fences or ~~garden~~ walls may be erected to greater heights if approved or so required by the Planning Commission. The height of a fence or wall shall be measured above the lowest adjacent finished grade. Fences shall be erected with finished side facing the street and/or abutting properties.

#### **§ 185-9. One-Family Residence RR District.**

B.

Accessory uses. Accessory uses shall be limited to the following:

(2)

Garden house, toolhouse, storage shed, children's playhouse, greenhouse, or private garage or carport for off-street parking of passenger automobiles of residents on the premises, provided that no ~~such~~ accessory structure or use thereof, except HVAC condensing units, shall be:

(a)

Nearer to the front lot line than 60 feet.

(b)

Nearer to any rear or side lot line than five ~~three~~ feet.

(c)

Higher than one story (maximum 15 feet).

(d)

Used for human habitation, such as living, sleeping, cooking, eating, or as a studio, gym, exercise/recreation facility, office or similar.

(5)

Fences or garden walls (retaining and garden types) for permitted residential uses shall be limited to four feet in height in any front yard and six feet six inches in height in any rear or side yard. For all other permitted uses, such fences or ~~garden~~ walls may be erected to greater heights if approved or so required by the Planning Commission. The height of a fence or wall shall be measured above the lowest adjacent finished grade. Fences shall be erected with finished side facing the street and/or abutting properties.

#### **§ 185-10. One-Family Residence R District.**

B.

Accessory uses. Accessory uses shall be limited to the following:

(2)

Garden house, toolhouse, storage shed, children's playhouse, greenhouse, or private garage or carport for off-street parking of passenger automobiles of residents on the premises, provided that no ~~such~~ accessory structure or use thereof, except HVAC condensing units, shall be:

(a)

Nearer to the front lot line than 60 feet.

(b)

Nearer to any rear or side lot line than five ~~three~~ feet.

(c)

Higher than one story (maximum 15 feet).

(d)

Used for human habitation, such as living, sleeping, cooking, eating, or as a studio, gym, exercise/recreation facility, office or similar.

(5)

Fences or garden walls (retaining and garden types) for permitted residential uses shall be limited to four feet in height in any front yard and six feet six inches in height in any rear or side yard. For all other permitted uses, such fences or ~~garden~~ walls may be erected to greater heights if approved or so required by the Planning Commission. The height of a fence or wall shall be measured above the lowest adjacent finished grade. Fences shall be erected with finished side facing the street and/or abutting properties.

#### **§ 185-11. One-Family Residence R-1 District.**

B.

Accessory uses. Accessory uses shall be limited to the following:

(2)

Garden house, toolhouse, storage shed, children's playhouse, greenhouse, or private garage or carport for off-street parking of passenger automobiles of residents on the premises, provided that no ~~such~~ accessory structure or use thereof, except HVAC condensing units, shall be:

(a)

Nearer to the front lot line than 60 feet.

(b)

Nearer to any rear or side lot line than five ~~three~~ feet.

(c)

Higher than one story (maximum 15 feet).

(d)

Used for human habitation, such as living, sleeping, cooking, eating, or as a studio, gym, exercise/recreation facility, office or similar.

(5)

Fences or garden walls (retaining and garden types) for permitted residential uses shall be limited to four feet in height in any front yard and six feet six inches in height in any rear or side yard. For all other permitted uses, such fences or ~~garden~~ walls may be erected to greater heights if approved or so required by the Planning Commission. The height of a fence or wall shall be measured above the lowest adjacent finished grade. Fences shall be erected with finished side facing the street and/or abutting properties.

#### **§ 185-12. Two-Family Residence R-2 District.**

B.

Accessory uses. Accessory uses shall be limited to the following:

(2)

Garden house, toolhouse, storage shed, children's playhouse, greenhouse, or private garage or carport for off-street parking of passenger automobiles of residents on the premises, provided that no ~~such~~ accessory structure or use thereof, except HVAC condensing units, shall be:

(a)

Nearer to the front lot line than 60 feet.

(b)

Nearer to any rear or side lot line than ~~five~~ **three** feet.

(c)

Higher than one story (**maximum 15 feet**).

(d)

Used for human habitation, such as living, sleeping, cooking, eating, or as a studio, gym, exercise/recreation facility, office or similar.

(5)

Fences or garden walls (**retaining and garden types**) for permitted residential uses shall be limited to four feet in height in any front yard and six feet six inches in height in any rear or side yard. For all other permitted uses, such fences or ~~garden~~ walls may be erected to greater heights if approved or so required by the Planning Commission. The height of a fence or wall shall be measured above the **lowest adjacent** finished grade. Fences shall be erected with finished side facing the street and/or abutting properties.

### **§ 185-13. Two-Family Residence R-2A District.**

B.

Accessory uses. Accessory uses shall be limited to the following:

(2)

Garden house, toolhouse, storage shed, children's playhouse, greenhouse, or private garage or carport for off-street parking of passenger automobiles of residents on the premises, provided that no ~~such~~ accessory structure or use thereof, except HVAC condensing units, shall be:

(a)

Nearer to the front lot line than 60 feet.

(b)

Nearer to any rear or side lot line than ~~five~~ **three** feet.

(c)

Higher than one story (**maximum 15 feet**).

(d)

Used for human habitation, such as living, sleeping, cooking, eating, or as a studio, gym, exercise/recreation facility, office or similar.

(5)

Fences or garden walls (**retaining and garden types**) for permitted residential uses shall be limited to four feet in height in any front yard and six feet six inches in height in any rear or side yard. For all other permitted uses, such fences or ~~garden~~ walls may be erected to greater heights if approved or so required by the Planning Commission. The height of a fence or wall shall be measured above the **lowest adjacent** finished grade. Fences shall be erected with finished side facing the street and/or abutting properties.

### **§ 185-14. Multiple Residence R-3 District.**

B.

Accessory uses. Accessory uses shall be limited to the following:



(2)

Garden house, toolhouse, storage shed, children's playhouse, greenhouse, or private garage or carport for off-street parking of passenger automobiles of residents on the premises, provided that no ~~such~~ accessory structure or use thereof, except HVAC condensing units, shall be:

(a)

Nearer to the front lot line than 60 feet.

(b)

Nearer to any rear or side lot line than five ~~three~~ feet.

(c)

Higher than one story (maximum 15 feet).

(d)

Used for human habitation, such as living, sleeping, cooking, eating, or as a studio, gym, exercise/recreation facility, office or similar.

(5)

Fences or garden walls (retaining and garden types) for permitted residential uses shall be limited to four feet in height in any front yard and six feet six inches in height in any rear or side yard. For all other permitted uses, such fences or ~~garden~~ walls may be erected to greater heights if approved or so required by the Planning Commission. The height of a fence or wall shall be measured above the lowest adjacent finished grade. Fences shall be erected with finished side facing the street and/or abutting properties.

#### **§ 185-15. Multiple Residence R-4 District.**

B.

Accessory uses. Accessory uses shall be limited to the following:

(2)

Garden house, toolhouse, storage shed, children's playhouse, greenhouse, or private garage or carport for off-street parking of passenger automobiles of residents on the premises, provided that no ~~such~~ accessory structure or use thereof, except HVAC condensing units, shall be:

(a)

Nearer to the front lot line than 60 feet.

(b)

Nearer to any rear or side lot line than five ~~three~~ feet.

(c)

Higher than one story (maximum 15 feet).

(d)

Used for human habitation, such as living, sleeping, cooking, eating, or as a studio, gym, exercise/recreation facility, office or similar.

(5)

Fences or garden walls (retaining and garden types) for permitted residential uses shall be limited to four feet in height in any front yard and six feet six inches in height in any rear or side yard. For all other permitted uses, such fences or ~~garden~~ walls may be erected to greater heights if approved or so required

by the Planning Commission. The height of a fence or wall shall be measured above the lowest adjacent finished grade. Fences shall be erected with finished side facing the street and/or abutting properties.

#### **§ 185-16. Residence-Professional Office R-PO District.**

B.

Accessory uses. Accessory uses shall be limited to the following:

(2)

Garden house, toolhouse, storage shed, children's playhouse, greenhouse, or private garage or carport for off-street parking of passenger automobiles of residents on the premises, provided that no ~~such~~ accessory structure or use thereof, except HVAC condensing units, shall be:

(a)

Nearer to the front lot line than 60 feet.

(b)

Nearer to any rear or side lot line than five ~~three~~ feet.

(c)

Higher than one story (maximum 15 feet).

(d)

Used for human habitation, such as living, sleeping, cooking, eating, or as a studio, gym, exercise/recreation facility, office or similar.

(7)

Fences or garden walls (retaining and garden types) for permitted residential uses shall be limited to four feet in height in any front yard and six feet six inches in height in any rear or side yard. For all other permitted uses, such fences or ~~garden~~ walls may be erected to greater heights if approved or so required by the Planning Commission. The height of a fence or wall shall be measured above the lowest adjacent finished grade. Fences shall be erected with finished side facing the street and/or abutting properties.

#### **§ 185-17. Medium-Density Residence/Office RO-2 District.**

B.

Accessory uses. Accessory uses shall be limited to the following:

(2)

Garden house, toolhouse, storage shed, children's playhouse, greenhouse, or private garage or carport for off-street parking of passenger automobiles of residents on the premises, provided that no ~~such~~ accessory structure or use thereof, except HVAC condensing units, shall be:

(a)

Nearer to the front lot line than 60 feet.

(b)

Nearer to any rear or side lot line than five ~~three~~ feet.

(c)

Higher than one story (maximum 15 feet).

(d)

Used for human habitation, such as living, sleeping, cooking, eating, or as a studio, gym, exercise/recreation facility, office or similar.

(7)

Fences or garden walls (retaining and garden types) for permitted residential uses shall be limited to four feet in height in any front yard and six feet six inches in height in any rear or side yard. For all other permitted uses, such fences or ~~garden~~ walls may be erected to greater heights if approved or so required by the Planning Commission. The height of a fence or wall shall be measured above the lowest adjacent finished grade. Fences shall be erected with finished side facing the street and/or abutting properties.

#### **§ 185-17.1. Medium-Density Residence/Office RO-3 District.**

B.

Accessory uses. Accessory uses shall be limited to the following:

(2)

Garden house, toolhouse, storage shed, children's playhouse, greenhouse, or private garage or carport for off-street parking of passenger automobiles of residents on the premises, provided that no ~~such~~ accessory structure or use thereof, except HVAC condensing units, shall be:

(a)

Nearer to the front lot line than 60 feet.

(b)

Nearer to any rear or side lot line than five ~~three~~ feet.

(c)

Higher than one story (maximum 15 feet).

(d)

Used for human habitation, such as living, sleeping, cooking, eating, or as a studio, gym, exercise/recreation facility, office or similar.

(5)

Fences or garden walls (retaining and garden types) for permitted residential uses shall be limited to four feet in height in any front yard and six feet six inches in height in any rear or side yard. For all other permitted uses, such fences or ~~garden~~ walls may be erected to greater heights if approved or so required by the Planning Commission. The height of a fence or wall shall be measured above the lowest adjacent finished grade. Fences shall be erected with finished side facing the street and/or abutting properties.

#### **§ 185-18. Campus-Office C-O District.**

B.

Accessory uses. Accessory uses shall be limited to the following:

(3)

Garden house, toolhouse, storage shed, children's playhouse, greenhouse, or private garage or carport for off-street parking of passenger automobiles of residents on the premises, provided that no ~~such~~ accessory structure or use thereof, except HVAC condensing units, shall be:

(a)

Nearer to the front lot line than 60 feet.

(b)

Nearer to any rear or side lot line than ~~five~~ **three** feet, except that no off-street parking shall be closer than 50 feet to any RRR through R-4 Districts.

(6)

Fences or garden walls (**retaining and garden types**) for permitted residential uses shall be limited to four feet in height in any front yard and six feet six inches in height in any rear or side yard. For all other permitted uses, such fences or ~~garden~~ walls may be erected to greater heights if approved or so required by the Planning Commission. The height of a fence or wall shall be measured above the **lowest adjacent** finished grade. Fences shall be erected with finished side facing the street and/or abutting properties.

#### **Article IV. Business and Manufacturing Districts**

##### **§ 185-19. Central Business A-1 District.**

A.

Permitted principal uses. A structure or building may be erected, altered, arranged, designed or used and a lot or premises may be used for any of the following purposes and for no other:

(2)

Business, professional and government offices, ~~and quick printing establishments.~~

(3)

Personal service stores, such as but not limited to **fitness for personal exercise or physical training, dance or martial arts instruction to individuals and small groups,** barbershops, beauty parlors **for humans or pets,** shoe repair shops and tailor shops, but not including tattoo parlors **or vapor bars, lounges or shops.**

**(17)**

**Residential uses located above the ground level floor of the building in which such uses are located, subject to the provisions of Subsection H hereof.**

C.

Uses subject to special permit. The following uses are subject to the issuance of a special permit in accordance with § 185-56 of this chapter:

(5)

~~Residential uses, subject to the following supplementary requirements:~~ **Residential uses located on the ground level floor of the building in which such uses are located, provided that at least 50 feet in depth of the ground-floor portion of the primary building frontage is occupied by retail, restaurant, personal service, recreation or similar uses that promote an active, pedestrian-scaled environment. Ground-floor residential uses shall be subject to the provisions of Subsection H.**

~~(a)~~

~~Except as specifically provided for in Subsection C(5)(g) hereof, residential uses shall be located above the ground level floor of the building in which such uses are located.~~

~~(b)~~

~~The maximum permitted residential density on a lot containing residential uses in combination with other permitted uses shall be based upon the following site area requirements:~~

~~{1}~~

~~For each studio unit: 1,000 square feet of lot area.~~

~~{2}~~

~~For each one bedroom unit: 1,200 square feet of lot area.~~

~~{3}~~

~~For each two bedroom unit: 1,500 square feet of lot area.~~

~~{4}~~

~~For each three bedroom or larger unit: 2,000 square feet of lot area.~~

~~(c)~~

~~Individual dwelling units may be of the efficiency, studio, one bedroom or two bedroom type but shall not contain more than two bedrooms. The Planning Commission shall have the authority to determine which rooms may function as bedrooms for the purpose of determining compliance with this requirement and may include any room, other than bathrooms, kitchens, entranceways, foyers and closets, under the definition of a bedroom, based upon consideration of such features as number and height of walls enclosing such space, inclusion of doors and closets, and/or proximity to bathrooms.~~

~~(d)~~

~~Individual dwelling units in a market rate development shall contain not less than 500 square feet of floor area on average for all units in the entire building in which they are located. All dwelling units shall otherwise comply with all applicable provisions of the New York State New Uniform Fire Prevention and Building Code.~~

~~(e)~~

~~The portion of the building used for residential purposes shall have an entrance that does not require access through the portion of the building used for nonresidential purposes, other than by means of a common lobby.~~

~~(f)~~

~~Off-street parking for residential uses established pursuant to this subsection shall be provided in accordance with Schedule VII of § 185-36B(7) of this chapter, except as set forth below:~~

~~{1}~~

~~Off street parking shall not be required for residential uses established pursuant to this subsection in floor area existing on January 1, 2002, provided that the following supplementary requirements shall apply:~~

~~{a}~~

~~No more than 2,000 square feet of existing floor area in a building shall be in residential use, including existing floor area that is already being used for residential purposes.~~

~~{b}~~

~~No more than two dwelling units having no more than two bedrooms each and containing no more than 1,200 square feet each, and subject further to the 2,000 square foot aggregate requirement specified in Subsection C(5)(f)[1][a] hereof, shall be established in such existing floor area.~~

~~{c}~~

~~If the provisions of both Subsection C(5)(f)(1)[a] and [b] hereof are satisfied, the provisions of § 185-40 of this chapter shall not be applicable to the new dwelling units established pursuant to this subsection or to any other floor area in the building that existed on January 1, 2002.~~

~~{d}~~

~~If the provisions of both Subsection C(5)(f)[1][a] and [b] hereof cannot be satisfied, off street parking for the proposed residential uses shall be provided in accordance with Schedule VII of § 185-36B(7) of this chapter, and § 185-40 of this chapter shall be applicable to the entire site.~~

~~{2}~~

~~Off street parking shall not be required for residential uses established pursuant to this subsection in floor area constructed after January 1, 2002, provided that the following supplementary requirements shall apply:~~

~~{a}~~

~~No more than three dwelling units located in floor area constructed after January 1, 2002, shall be eligible for the off street parking requirement waiver under Subsection C(5)(f)[2] hereof.~~

~~{b}~~

~~The dwelling units for which the off street parking requirement shall be waived pursuant to Subsection C(5)(f)[2] hereof shall have no more than two bedrooms each.~~

~~{c}~~

~~The dwelling units for which the off street parking requirements shall be waived pursuant to Subsection C(5)(f)[2] hereof shall be rental units.~~

~~{d}~~

~~The dwelling units for which the off street parking requirement shall be waived pursuant to Subsection C(5)(f)[2] hereof shall be designated affordable units and shall be further restricted as follows:~~

~~{i}~~

~~Such units shall be occupied by households whose annual gross income does not exceed 50% of the Westchester County median income, as defined and periodically updated by the United States Department of Housing and Urban Development, adjusted for household size, and who have at least one occupant who is 62 years of age or older.~~

~~{ii}~~

~~Such units shall have an annual rental cost that does not exceed 30% of the annual gross income of such household.~~

~~{e}~~

~~The owner of the property on which the dwelling units are located shall file and record in the office of the Clerk of the County of Westchester (Division of Land Records) a declaration ("declaration"), satisfactory to the Village in form and substance, stating that the dwelling units are subject to restrictions on occupancy and rates of rent as set forth in Subsection C(5)(f)[2] hereof, that the declaration may be terminated by a document similarly filed and recorded in the office of the Clerk of the County of Westchester (Division of Land Records) by either the owner or the Village, or either of their successors in interest, at any time on notice to the other, and that the owner will not terminate the declaration unless the dwelling units cease to comply with any of the provisions of Subsection C(5)(f)[2][d] hereof but shall terminate the declaration if the dwelling units cease to comply with any of those provisions of Subsection C(5)(f)[2][d] hereof.~~

~~{f}~~

~~If the provisions of Subsection C(5)(f)[2][a], [b] and [c] hereof are satisfied and a total of no more than three dwelling units is established in the floor area constructed after January 1, 2002, the provisions of § 185-40 of this chapter shall not be applicable to any other floor area in the building that existed on January 1, 2002.~~

~~{g}~~

~~If the provisions of Subsection C(5)(f)[2][a], [b] and [c] hereof cannot be satisfied, off-street parking for the proposed residential uses established pursuant to this subsection shall be provided in accordance with Schedule VII of § 185-36B(7) of this chapter, and § 185-40 of this chapter shall be applicable to the entire site.~~

~~{h}~~

~~If a total of more than three dwelling units is established in the floor area constructed after January 1, 2002, off street parking for the additional dwelling units in excess of three shall be provided in accordance with Schedule VII of § 185-36B(7) of this chapter, and § 185-40 of this chapter shall be applicable to the entire site.~~

~~(g)~~

~~For residential uses sponsored by a not for profit corporation established for the exclusive purpose of developing housing projects for persons of limited income, the following supplementary requirements shall apply:~~

~~{1}~~

~~At the discretion of the project sponsor, residential uses may be located on any floor of the building in which such uses are located.~~

~~{2}~~

~~Efficiency units shall contain not less than 200 square feet of floor area. One bedroom units shall contain not less than 300 square feet of floor area. Two bedroom units shall contain not less than 400 square feet of floor area.~~

~~{3}~~

~~At the discretion of the project sponsor, the building containing such residential uses may also include activity rooms for the common use of the residents of such building and their guests or for programs sponsored by the Village of Pleasantville for the benefit of Village residents, as well as other rooms used for ancillary purposes in support of such programs. Such rooms may be rented by the project sponsor for such purposes.~~

H.

Supplementary provisions for residential uses.

(1)

~~Except as specifically provided for in Subsection C(5)(g) hereof, R~~ residential uses shall be located above the ground level floor of the building in which such uses are located, unless the Planning Commission grants a special permit subject to the provisions of Subsection C(5) hereof.

(2)

The maximum permitted residential density on a lot containing residential uses in combination with other permitted uses shall be ~~based upon the following site area requirements:~~ limited to 500 square feet of lot area per unit, except as provided for in Subsection H(8) hereof.

~~{1}~~

~~For each studio unit: 1,000 square feet of lot area.~~

~~{2}~~

~~For each one bedroom unit: 1,200 square feet of lot area.~~

~~{3}~~

~~For each two bedroom unit: 1,500 square feet of lot area.~~

~~{4}~~

~~For each three bedroom or larger unit: 2,000 square feet of lot area.~~



**(3)**

Individual dwelling units may be of the efficiency, studio, one-bedroom or two-bedroom type but shall not contain more than two bedrooms. The Planning Commission shall have the authority to determine which rooms may function as bedrooms for the purpose of determining compliance with this requirement and may include any room, other than bathrooms, kitchens, entranceways, foyers and closets, under the definition of a bedroom, based upon consideration of such features as number and height of walls enclosing such space, inclusion of doors, windows and closets, and/or proximity to bathrooms.

**(4)**

~~Individual dwelling units in a market rate development shall contain not less than 500 square feet of floor area on average for all units in the entire building in which they are located.~~ All dwelling units shall ~~otherwise~~ comply with all applicable provisions of the New York State New Uniform Fire Prevention and Building Code.

**(5)**

The portion of the building used for residential purposes shall have an entrance that does not require access through the portion of the building used for nonresidential purposes, other than by means of a common lobby.

**(6)**

Off-street parking for residential uses established pursuant to this subsection shall be provided in accordance with Schedule VII of § 185-36B(7) of this chapter, except as set forth below:

**(a)**

Off-street parking shall not be required for residential uses established pursuant to this subsection in floor area existing on January 1, 2002, provided that the following supplementary requirements shall apply:

**[1]**

No more than 2,000 square feet of existing floor area in a building shall be in residential use, including existing floor area that is already being used for residential purposes.

**[2]**

No more than two dwelling units having no more than two bedrooms each and containing no more than 1,200 square feet each, and subject further to the 2,000-square-foot-aggregate requirement specified in Subsection H(6)(a)[1] hereof, shall be established in such existing floor area.

**[3]**

If the provisions of both Subsection H(6)(a)[1] and [2] hereof are satisfied, the provisions of § 185-40 of this chapter shall not be applicable to the new dwelling units established pursuant to this subsection or to any other floor area in the building that existed on January 1, 2002.

**[4]**

If the provisions of both Subsection **H(6)(a)[1]** and **[2]** hereof cannot be satisfied, off-street parking for the proposed residential uses shall be provided in accordance with Schedule VII of § 185-36B(7) of this chapter, and § 185-40 of this chapter shall be applicable to the entire site.

**(b)**

Off-street parking shall not be required for residential uses established pursuant to this subsection in floor area constructed after January 1, 2002, provided that the following supplementary requirements shall apply:

**[1]**

No more than three dwelling units located in floor area constructed after January 1, 2002, shall be eligible for the off-street parking requirement waiver under Subsection **H(6)(b)** hereof.

**[2]**

The dwelling units for which the off-street parking requirement shall be waived pursuant to Subsection **H(6)(b)** hereof shall have no more than two bedrooms each.

**[3]**

The dwelling units for which the off-street parking requirements shall be waived pursuant to Subsection **H(6)(b)** hereof shall be rental units.

**[4]**

The dwelling units for which the off-street parking requirement shall be waived pursuant to Subsection **H(6)(b)** hereof shall be designated affordable units and shall be further restricted as follows:

**[a]**

Such units shall be occupied by households whose annual gross income does not exceed 50% of the Westchester County median income, as defined and periodically updated by the United States Department of Housing and Urban Development, adjusted for household size, and who have at least one occupant who is 62 years of age or older.

**[b]**

Such units shall have an annual rental cost that does not exceed 30% of the annual gross income of such household.

**[5]**

The owner of the property on which the dwelling units are located shall file and record in the office of the Clerk of the County of Westchester (Division of Land Records) a declaration ("declaration"), satisfactory to the Village in form and substance, stating that the dwelling units are subject to restrictions on occupancy and rates of rent as set forth in Subsection **H(6)(b)** hereof, that the declaration may be terminated by a document similarly filed and recorded in the office of the Clerk of the County of Westchester (Division of Land Records) by either the owner or the Village, or either of their successors in interest, at any time on notice to the other, and that the owner will not terminate the declaration unless

the dwelling units cease to comply with any of the provisions of Subsection H(6)(b)[4] hereof but shall terminate the declaration if the dwelling units cease to comply with any of those provisions of Subsection H(6)(b)[4] hereof.

[6]

If the provisions of Subsection H(6)(b)[4][a], [b] and [c] hereof are satisfied and a total of no more than three dwelling units is established in the floor area constructed after January 1, 2002, the provisions of § 185-40 of this chapter shall not be applicable to any other floor area in the building that existed on January 1, 2002.

[7]

If the provisions of Subsection H(6)(b)[4][a], [b] and [c] hereof cannot be satisfied, off-street parking for the proposed residential uses established pursuant to this subsection shall be provided in accordance with Schedule VII of § 185-36B(7) of this chapter, and § 185-40 of this chapter shall be applicable to the entire site.

[8]

If a total of more than three dwelling units is established in the floor area constructed after January 1, 2002, off-street parking for the additional dwelling units in excess of three shall be provided in accordance with Schedule VII of § 185-36B(7) of this chapter, and § 185-40 of this chapter shall be applicable to the entire site.

(7)

For residential uses sponsored by a not-for-profit corporation established for the exclusive purpose of developing housing projects for persons of limited income, the following supplementary requirements shall apply:

~~(a)~~

~~At the discretion of the project sponsor, residential uses may be located on any floor of the building in which such uses are located.~~

(a)

Efficiency units shall contain not less than 200 square feet of floor area. One-bedroom units shall contain not less than 300 square feet of floor area. Two-bedroom units shall contain not less than 400 square feet of floor area.

(b)

At the discretion of the project sponsor, the building containing such residential uses may also include activity rooms for the common use of the residents of such building and their guests or for programs sponsored by the Village of Pleasantville for the benefit of Village residents, as well as other rooms used for ancillary purposes in support of such programs. Such rooms may be rented by the project sponsor for such purposes.

(8)

Development incentives. In order to promote an active, pedestrian-friendly mixed-use environment that is consistent with the Village's established downtown scale, the Planning Commission may grant any or all of the following incentives:

(a) Floor area ratio.

[1]

If ground-level retail stores, restaurants, personal service uses, recreation uses or other similar uses are provided that, in the opinion of the Planning Commission, will encourage an active street environment for pedestrians, the Commission may exempt the gross floor area devoted to such use(s) from the calculation of maximum FAR.

[2]

If the property is adjacent to municipally owned land that the property owner agrees to maintain for public access and/or public open space, the Planning Commission may allow such area to count toward total land area for the purposes of calculating maximum FAR, subject to execution of a maintenance agreement and/or easement to the satisfaction of the Village Attorney.

[3]

The Planning Commission may grant an FAR bonus of up to 15% in exchange for meeting the following design guidelines, to the satisfaction of the Planning Commission:

[a]

Architectural design standards.

[i]

The various elements of any project shall be integrated by cohesive architectural treatment and compatible design. Architectural elements shall be used to provide visual interest, reduce apparent scale of the development and promote integration of the various design elements of the project.

[ii]

Buildings shall be designed in consideration of appearance from all vantage points. Appurtenances on buildings and auxiliary structures, such as mechanical equipment or water towers, parking facilities, or storage buildings, shall receive architectural treatment and screening consistent with that of principal buildings.

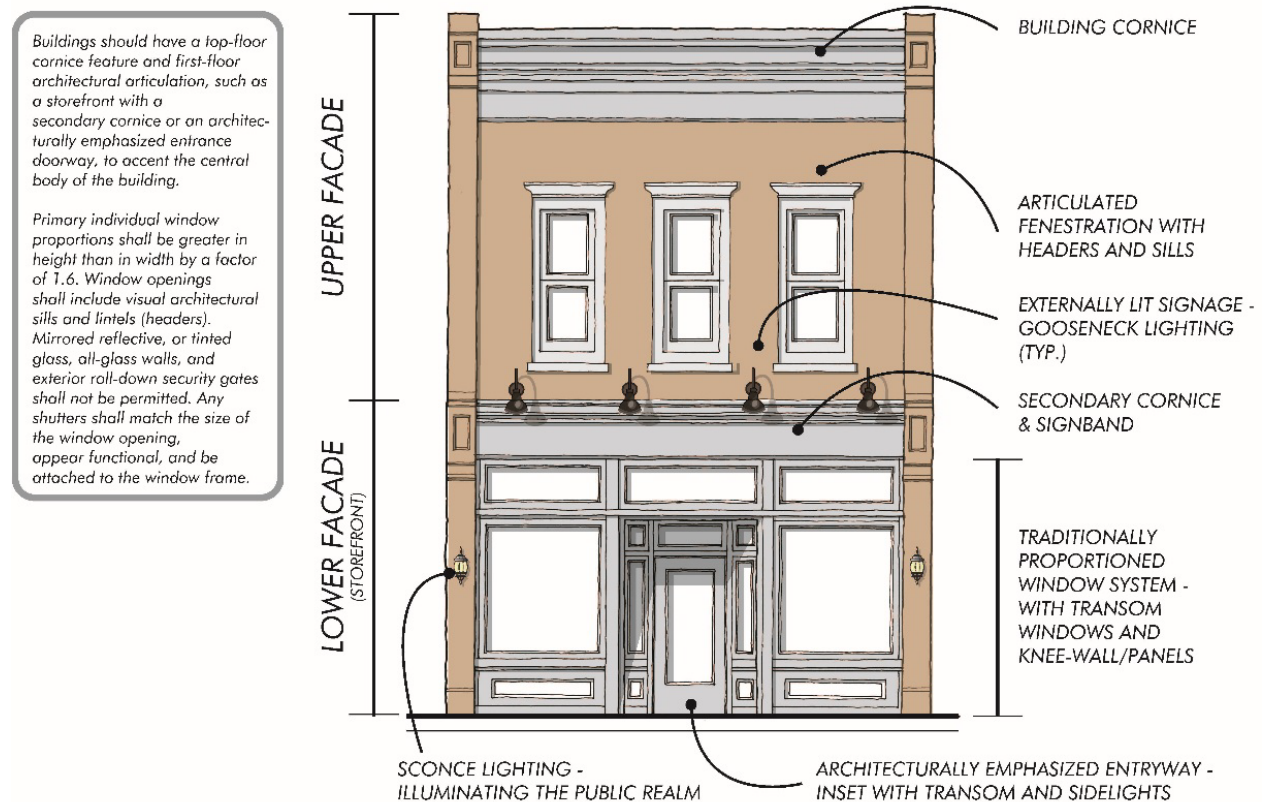
[iii]

Parking structures facing a public street or other publicly accessible area should be architecturally integrated into the principal building using techniques such as an exterior clad in brick, architectural metal panels, solar panels, a window-like façade treatment; use of a "green screen"; or "liner" buildings, i.e. buildings located in front of the parking structure that screen the structure from public view.

[iv]

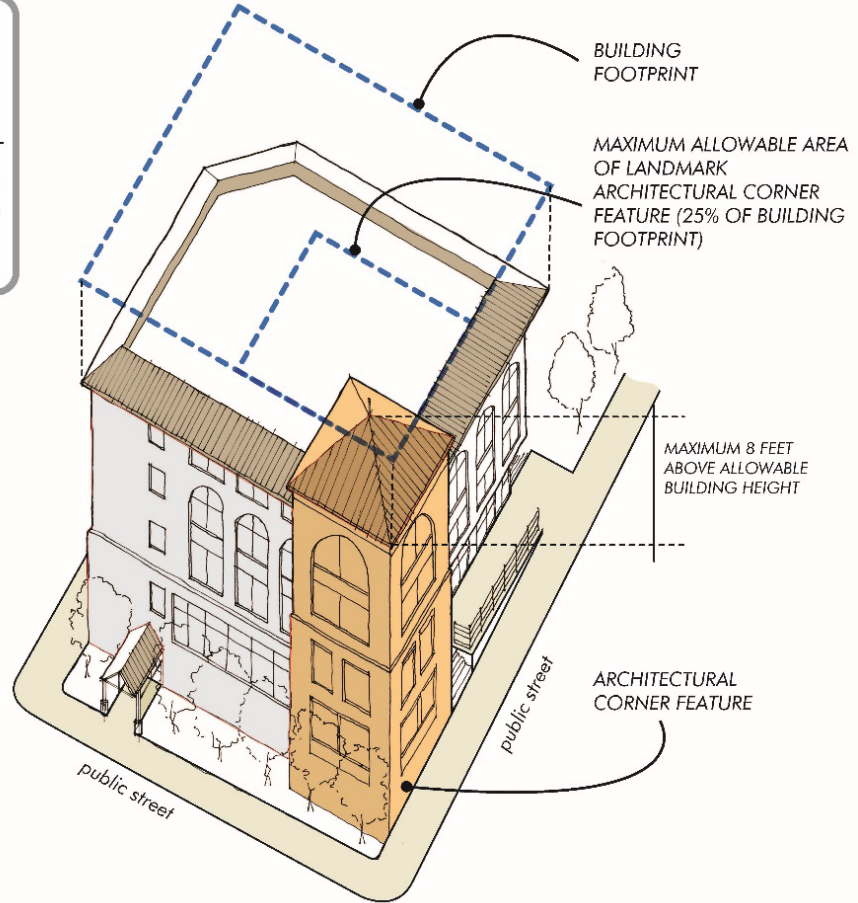
**Buildings should have a top-floor cornice feature and first-floor architectural articulation, such as a storefront with a secondary cornice or an architecturally emphasized entrance doorway, to accent the central body of the building (see diagram below). Buildings located on street corners are encouraged to provide an identifying “landmark” architectural feature to accentuate the importance of the corner location (see diagram below). Such feature should not exceed 25 percent of building footprint. The Planning Commission may waive the building height restriction for such an architectural feature, up to a maximum of 8 feet above the overall building height as approved by the Commission.**

### **Design of Building Facades**



### **Design of Corner Buildings**

Buildings located on street corners are encouraged to provide an identifying "landmark" architectural feature to accentuate the importance of the corner location. Such feature should not exceed 25 percent of building footprint. The Planning Commission may waive the building height restriction for such an architectural feature, up to a maximum of 8 feet above the overall allowable building height as approved by the Commission.



#### **[v]**

**Wherever practicable, buildings should employ texture or additional detailing to accentuate the base of buildings and provide human scale (see also Item xii below).**

#### **[vi]**

**Architectural features and windows should be continued on all sides of the building that are clearly visible from a street or publicly accessible area, avoiding any blank walls, except in cases of existing walls or potential common property walls. Larger buildings shall incorporate significant breaks in the facades and rooflines at intervals of no more than 35 feet.**

#### **[vii]**

**Primary individual window proportions shall be greater in height than in width by a factor of 1.6. Window openings shall include visual architectural sills and lintels (headers). Mirrored reflective, or tinted glass, all-glass walls, and exterior roll-down security gates shall not be permitted. Any shutters shall match the size of the window opening, appear functional, and be attached to the window frame.**

[viii]

Building elements that provide additional architectural interest, such as balconies, bay windows, open porches and cornices, may encroach up to 4 feet beyond the front lot line if the bottom of the encroaching building elements is at least 12 feet above grade.

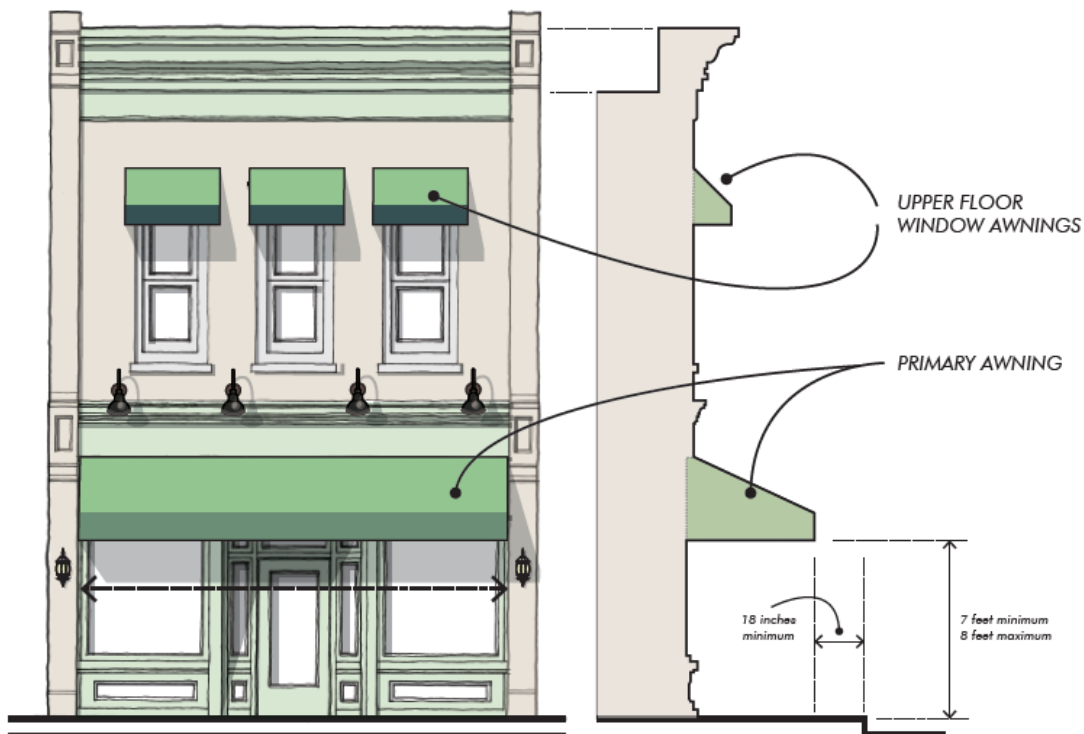
[ix]

Canvas-type awnings and canopies are encouraged, providing the awning/canopy:

- Occupies at least seventy-five-percent (75%) of a single storefront or façade bay;
- Does not stretch horizontally for more than two (2) storefronts or facade bays;
- Does not project out from the storefront or building façade more than to a point that is less than eighteen (18) inches from the innermost point of the adjacent curb line; and
- Bottom of the awning is not less than seven (7) feet or more than eight (8) feet above adjacent ground level.

Vinyl awnings are discouraged, unless the applicant can demonstrate to the Planning Commission's satisfaction that the finish and design of such awning are of high quality, aesthetically pleasing, and meet the intent of the other design guidelines contained in this section (see diagram below).

#### Design of Awnings



*Canvas-type awnings and canopies are encouraged, providing the awning/canopy:*

- *Occupies at least seventy-five-percent (75%) of a single storefront or façade bay;*
- *Does not stretch horizontally for more than two (2) storefronts or facade bays;*
- *Does not project out from the storefront or building façade more than to a point that is less than eighteen (18) inches from the innermost point of the adjacent curb line; and*
- *Bottom of the awning is not less than seven (7) feet or more than eight (8) feet above adjacent ground level.*

[x]

Buildings shall have a front entrance door facing the primary street and connected to the sidewalk. Front entrance doors for commercial buildings and retail storefronts shall be active and provide main access during business hours. Service entrances should be located to the side or rear of the building.

[xi]

Buildings shall have at least 70 percent glass on the first-floor facades, located between 2 feet and 10 feet above the sidewalk. Retail and commercial windows on the street level should remain visibly open to the interior of the space inside the building, and not be blocked or covered (e.g. by shelving, promotional signage, or such) from the interior.

[xii]

Finish building materials should be wood, brick, traditional cement-based stucco, stone or fiber-cement siding or other material deemed acceptable by the Planning Commission. As referenced in (v) above, heavier appearing materials (by texture, weight or color) should be placed on the base of the building, with lighter appearing materials (by texture, weight or color) placed on the upper portions of the building. Vinyl; aluminum or sheet metal siding or sheet trim; exposed concrete blocks or concrete walls; plywood or other pre-fabricated panels; unpainted lumber; synthetic stone, brick or stucco; exterior insulation and finishing system (EIFS), direct-applied finish system (DAFS); and chain-link fencing shall not be permitted.

[b]

Landscaping, screening and buffering.

[i]

All sidewalks, open spaces, parking areas and service areas shall be landscaped and/or paved in a manner that will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc. will be attractive, durable, easily maintained and compatible with the exterior materials of adjacent buildings.

[ii]

Sidewalks should wherever possible, be a minimum width of 10 feet, and ideally a width of 12 feet. The Planning Commission may consider narrower sidewalks based on the specific conditions of the site, the proposed mix of uses and other relevant factors.

[iii]

The Planning Commission may require buffer landscaping, fencing or screening to separate land uses, and to screen utility buildings, refuse collection areas, cooling systems and other similar installations and features.



[iv]

All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Commission. Landscape materials selected shall be appropriate to the growing conditions of the site and climate zone.

[c]

Lighting.

[i]

Streets, drives, walks, parking lots and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. All exterior lighting for the project shall be directed downward or otherwise appropriately shielded and designed to minimize excessive light. It shall have an attractive appearance compatible with the overall project design and surrounding character. Lighting type, number and locations shall be subject to Planning Commission review and approval as part of the site plan review.

[ii]

Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 20 feet high. Lighting shall be energy-efficient, have full warm end of spectrum color quality, be dark-sky compliant, and shall avoid any spillage onto neighboring properties.

[d]

Signage.

[i]

All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Commission review and approval as part of site plan review.

[ii]

All signs shall be of a size and scale as determined appropriate by the Planning Commission to accomplish their intended purpose, and shall be consistent with the applicable provisions of Chapter 148 of the Pleasantville Village Code.

[e]

Vehicular circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other access ways for vehicles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent practicable.

(b) Required land area per residential unit.

[1]

The Planning Commission may reduce the required land area per residential unit to a minimum of 425 square feet per unit, in order to facilitate any FAR incentive listed in Subsection H(8)[1][a] through [c] above.

## **Article VIII. Bulk and Off-Street Parking and Loading Regulations**

### **§ 185-38. Layout, location and ownership of off-street parking facilities.**

E.

Except as otherwise provided hereinafter, no parking of any kind, other than that located in driveways, shall be permitted in the required front yard specified for the district involved **except by way of a variance waiver from the Zoning Board of Appeals**; provided, however, that the Planning Commission may, in its discretion, grant special exceptions to permit parking within the required front yard of a lot having unusual existing conditions relating to its location on a corner, lot size, lot shape, and/or topography or other natural features. Notwithstanding this limited authority to grant special exceptions, the Planning Commission shall be prohibited from exercising its discretion to permit parking within the required front yard in connection with applications for accessory apartment special permits pursuant to Article VII of this chapter. For purposes of this section, a driveway shall be deemed to include only that portion of the defined vehicular accessway between the street line and the required off-street parking area on a lot having a width as specified herein. For a building with a single-car garage, the width of such driveway shall not exceed the permitted driveway apron width specifications, as provided by the Highway Superintendent. For a building with a multicar garage, the width of such driveway may be increased, provided that it does not exceed the combined width of the face of all garages to which it provides access. Such an increase in width for multicar garages may be established only within 20 feet of the face of the garage(s) for the purposes of providing vehicular access to the garage(s) and accommodating on-site circulation, as deemed appropriate and necessary in the judgment of the Building Inspector based upon his or her field inspection. Refer to Appendix I of this chapter for illustration of these requirements.

### **§ 185-42. Waiver of required parking spaces.**

A.

**Notwithstanding the provisions of § 185-19.1. of this chapter, if a municipal parking facility is located within 200 feet of a proposed specified use on a lot in the Central Business A-1 District, the Central Business A-2 District, the Peripheral Business B District or the Peripheral Business B-1 District, and if the Planning Commission deems such facility to be adequate for part or all of the needs of the proposed use, the Planning Commission may waive up to half of the required parking spaces, as follows:**

(1)

On lots smaller than 5,000 square feet, additional waivers beyond one-half of the required parking spaces may be granted, subject to an in-lieu payment per space, at an amount determined and updated regularly by the Village Board.

(2)

On lots 5,000 square feet or larger, any waiver of required parking spaces shall be subject to an in-lieu payment per space, at an amount determined and updated regularly by the Village Board.

(3)

The applicant shall have the burden of demonstrating to the satisfaction of the Planning Commission that the municipal parking facility is capable of serving the off-street parking needs of the proposed use.

## **Article IX. Supplementary Regulations**

### **§ 185-46. Nonconforming buildings and uses.**

C.  
Exceptions.

(2)

Any structure (other than a sign), the use of which is in conformity with the use regulations set forth in this chapter but which structure does not comply with one or more of the requirements herein other than the use requirements, may be altered or enlarged and, if damaged or destroyed, may be restored, **so long as the degree of nonconformity of the building is not increased**. For the purpose of applying the preceding sentence, if a building is used for residential purposes, it shall be deemed to conform as to use with the regulations for any residence district. However, such building shall not be altered, enlarged or restored so as to increase the degree of building noncompliance thereof and the number of dwelling units in such building shall not be increased unless the increase in dwelling units is permitted by the district regulations.

### **§ 185-48. Miscellaneous regulations.**

D.  
Projection of cornices, chimneys and other ornamental features.

(1)

Cornices, chimneys (**not including the fireplace/firebox**), eaves, gutters or cantilevered roofs may project not more than two feet and belt courses, window sills and other ornamental features may project not more than six inches into a required yard. Terraces, steps and walks (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street or four feet of a property line. All other structures shall comply with the requirements of this chapter and the rules and regulations of the Village of Pleasantville.

## Schedule VI

### Bulk Requirements, Business and Manufacturing Districts A-1, A-2, B, B-1, B-2 and M-1

Bulk Requirements	Central Business A-1	Central Business Subarea A-1 <sup>2</sup>
Minimum lot area (square feet)	2,500	<u>2,500</u>
Minimum lot width (feet)	None	<u>None</u>
Minimum lot depth (feet)	None	<u>None</u>
Minimum front yard (feet)	None	<u>None</u>
Minimum side or rear yard (feet)	None or 6 if provided	<u>None or 6 if provided</u>
Minimum side/rear yard adjacent to residence district (feet)	20	<u>20</u>
Maximum height (stories and feet)	3 <u>stories</u> or 36, whichever is more restrictive	<u>4 stories, or 48, whichever is more restrictive</u> <sup>3</sup>
Minimum height (stories/feet) for principal building	None	<u>None</u>
Maximum building coverage	80%	<u>80%</u>
Maximum floor area ratio	2.0 <sup>4</sup>	<u>2.0<sup>4</sup></u>
Maximum building footprint (square feet)	None	<u>None</u>
Maximum building wall length (feet)	None	<u>None</u>

#### NOTES:

<sup>2</sup>This area shall be defined as the rectangle formed by Memorial Plaza to the east, Manville Road to the north, Cooley Street to the west and Bedford Road to the south. This area is depicted by Figure 30 in the Comprehensive Plan adopted January 9, 2017.

<sup>3</sup>Building height may be further increased at the Planning Commission's discretion, to a maximum of 52 feet, for buildings that have primary frontage on Memorial Plaza, but in no case higher than 4 stories.

<sup>4</sup>Except as allowable subject to development incentives, see Section 185-19 (H)(8).

## Schedule VII

### Off-Street Parking and Loading Requirements

Use	Off-Street Parking Requirements (Spaces)
Residential uses in A-1 District	<b>1 per studio <u>or one-bedroom</u> unit</b> <b><del>1.50 per one-bedroom unit</del></b> <b><u>1.5</u> <del>1.75</del> per two-bedroom unit <del>plus 0.5 for each</del></b> <b><del>additional bedroom in excess of two</del></b> <b><u>2 per three-or-more bedroom unit</u></b>

#### NOTES

<sup>2</sup>~~Notwithstanding the provisions of § 185-19.1 of this chapter, if a municipal parking facility is located within 200 feet of a proposed specified use on a lot. With~~ in the Central Business A-1 District, the Central Business A-2 District, Peripheral Business B District or the Peripheral Business B-1 District, ~~and if the Planning Commission deems such facility to be adequate for part or all of the needs of the proposed use, part or all of the off-street parking requirements~~ may be waived ~~all or a portion of the off-street parking requirements, subject to the provisions of § 185-42. The applicant shall have the burden of demonstrating to the satisfaction of the Planning Commission that the municipal parking facility is capable of serving the off-street parking needs of the proposed use.~~