

LOCAL LAW NO. 3-2011

ZONING CODE AMENDMENTS

A LOCAL LAW amending Chapter 270 of the Village Code of the Village of Ossining entitled "Zoning",

BE IT ENACTED by the Board of Trustees of the Village of Ossining, as follows:

Section 1. Chapter 270 of the Village Code "Zoning", Article II "Definitions" Section 270-4, "Definitions and Use Definitions", Subsection A "Definitions" is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

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

- (1) Fences projecting above the ground not more than 6.5 feet at the lower ground level.
- (2) Masonry or rock [W]walls [other than retaining walls]projecting above the ground and not more than 3.0 feet at the higher ground level and not more than 6.5 feet at the lower ground level. Retaining walls are excluded.
- (3) Porches, outdoor bins and other similar structures.

Section 2 Chapter 270 of the Village Code "Zoning", Article II "Definitions" Section 270-4, "Definitions and Use Definitions", Subsection A "Definitions" is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

DWELLING UNIT – A single unit providing complete, independent living facilities for one family, including [permanent] provisions for living, sleeping, eating, cooking (including all types of cooking appliances) and sanitation. All rooms in a unit must have an internal structural connection such as internal doorways or internal stairs. A house trailer, boardinghouse or rooming house, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing or other similar homes or other similar structures shall not be deemed to constitute a dwelling unit.

Section 3. Chapter 270 of the Village Code "Zoning", Article II "Definitions" Section 270-4, "Definitions and Use Definitions", Subsection A "Definitions" is hereby amended with the addition of a term "Fence" as follows, with new matter underlined and deleted matter in [brackets]:

FENCE – Any partition or gate erected as a dividing marker, barrier or enclosure and located along the boundary or within the lot area consisting of posts or stakes joined

together by materials such as but not limited to boards, rails, netting or mesh. No fence in any residential district shall include barbed or chicken wire.

Section 4. Chapter 270 of the Village Code "Zoning", Article II "Definitions" Section 270-4, "Definitions and Use Definitions", Subsection A "Definitions" is hereby amended with the addition of a term "Retaining Wall" as follows, with new matter underlined and deleted matter in [brackets]:

RETAINING WALL – A wall or portion thereof exceeding 5 feet in height built to support or prevent the advance of a mass of earth.

Section 5. Chapter 270 of the Village Code "Zoning", Article II "Definitions" Section 270-4, "Definitions and Use Definitions", Subsection A "Definitions" is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

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

Section 6. Chapter 270 of the Village Code "Zoning", Article II "Definitions" Section 270-4, "Definitions and Use Definitions", Subsection A "Definitions" is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

STORY – That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. (See Basement)

Section 7. Chapter 270 of the Village Code "Zoning", Article II "Definitions" Section 270-4, "Definitions and Use Definitions", Subsection A "Definitions" is hereby amended with the addition of a term "Temporary Sign" as follows, with new matter underlined and deleted matter in [brackets]:

TEMPORARY SIGN – A sign which relates to a single activity or event having a duration of 30 days or less.

Section 8. Chapter 270 of the Village Code "Zoning", Article II "Definitions" Section 270-4, "Definitions and Use Definitions", Subsection A "Definitions", the definition of ZONING MAP is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

B. Residential Use Group

This Residential Use Group includes uses that provide dwelling units for the purpose of ongoing living accommodations to one or more person. The Residential Use Group includes the following use categories:

Section 9. Chapter 270 of the Village Code "Zoning", Article II "Definitions" Section 270-4, "Definitions and Use Definitions", Subsection A "Definitions", the definition of ZONING MAP is hereby amended by the addition of language intending to be a new sub-category appended to Category "F. Accessory Buildings and Uses", new matter underlined, as follows:

(13) Outdoor Accessory Recreation

A recreation use/uses that may take place in any number of structures that are arranged together in an outdoor setting and has a surfaced or field area greater than 400 square feet. Examples include, but are not limited to tennis, volleyball and basketball courts, soccer and baseball fields.

Section 10. Chapter 270 of the Village Code "Zoning", Article IV "Use Regulations" Section 270-10, "T Two-Family Residence Districts", Subsection C "Conditional Uses" is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

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

- a. Parking uses shall meet the minimum lot area requirement.
 - [b]i. No parking or loading area shall be located within 10 feet of any street line or lot line and the Planning Board shall ensure appropriate screening of parking and loading areas.

Section 11. Chapter 270 of the Village Code "Zoning", Article IV "Use Regulations" Section 270-12, "PRD Planned Residential District", Subsection D "Additional Accessory Uses" is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

- (1) (c.) Clubhouses and community centers constructed within a residential community for use by its residents, which shall be operated by a homeowners['], co-op or condominium association and subject to the requirements of §270-27.

Section 12. Chapter 270 of the Village Code "Zoning", Article IV "Use Regulations" Section 270-12, "PRD Planned Residential District", Subsection I "Density bonus incentives" is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

- (1) (b.) Provision of [Public]public Park or public Open Space. Committing a significant portion of contiguous land to public park or public open space use, either by conveying the land to the Village for such purposes or by other means, such as covenants and deed restrictions.

Section 13. Chapter 270 of the Village Code "Zoning", Article IV "Use Regulations" Section 270-19, "CDD Conservation Development District", Subsection D "Additional Accessory Uses" is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

- (1) (d.) Clubhouses and community centers constructed within a residential community for the use by its residents, which shall be operated by a homeowners, co-op or condominium association.

Section 14. Chapter 270 of the Village Code "Zoning", Article IV "Use Regulations" Section 270-12, "CDD Conservation Development District", Subsection H "Density bonus Incentives" is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

- (1) (b.) Provision of [Public]public Park or public Open Space. Committing a significant portion of contiguous land to public park or public open space use, either by conveying the land to the Village for such purposes or by other means, such as covenants and deed restrictions.

Section 15. Chapter 270 of the Village Code "Zoning", Article IV "Use Regulations" Section 270-22, "RDD Riverfront Development District", Subsection C "Accessory Uses" is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

- (1) (b.) Wading pool or swimming pool incidental to the use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of §270-32 or §270-33.
(c.) Clubhouses and community centers constructed within a residential community for the use by its residents, which shall be operated by a homeowners, co-op or condominium association.

Section 16. Chapter 270 of the Village Code “Zoning”, Article IV “Use Regulations” Section 270-23, “PW Planned Waterfront Districts”, Subsection C “Accessory Uses” is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

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

(c.) Clubhouses and community centers constructed within a residential community for the use by its residents, which shall be operated by a homeowners, co-op or condominium association.

Section 17. Chapter 270 of the Village Code “Zoning”, Article IV “Use Regulations” Section 270-23, “PW Planned Waterfront Districts”, Subsection I “Planned Waterfront Special Permit”, Sub-subsection (4) “Density bonus incentives” is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

- (a) (ii.) Provision of [Public]public Park or public Open Space. Committing a significant portion of contiguous land to public park or public open space use, either by conveying the land to the Village for such purposes or by other means, such as covenants and deed restrictions.

Section 18. Chapter 270 of the Village Code “Zoning”, Article IV “Use Regulations” Section 270-24, “IR Institutional Redevelopment”, Subsection C “Accessory Uses” is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

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

(c.) Clubhouses and community centers constructed within a residential community for the use by its residents, which shall be operated by a homeowners, co-op or condominium association.

Section 19. Chapter 270 of the Village Code “Zoning”, Article IV “Use Regulations” Section 270-24, “IR Institutional Redevelopment”, Subsection H “Density bonus incentives” is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

- (1) (b.) Provision of [Public]public Park or public Open Space. Committing a significant portion of contiguous land to public park or public open space use, either by conveying the land to the Village for such

purposes or by other means, such as covenants and deed restrictions.

Section 20. Chapter 270 of the Village Code “Zoning”, Article IV “Use Regulations” Section 270-25, “HADD Historical and Architectural Design Districts and Historic Landmarks”, Subsection B “Historic Preservation Committee” is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

- (1) (b.) (iii.) At least one member who is a resident of a designated Historical and Architectural Design District or of a property that has been designated as a local [historic]Historic [landmark]Landmark; and

Section 21. Chapter 270 of the Village Code “Zoning”, Article IV “Use Regulations” Section 270-25, “HADD Historical and Architectural Design Districts and Historic Landmarks”, Subsection C “Designation of Landmark or Historic District” is hereby renamed as “Designation of Historic Landmark or Historic Architectural Design District.”

Section 22. Chapter 270 of the Village Code “Zoning”, Article IV “Use Regulations” Section 270-25, “HADD Historical and Architectural Design Districts and Historic Landmarks”, Subsection F “Procedure for Alteration, Demolition or New Construction Affecting Landmarks or Historic Districts” is hereby renamed as “Procedure for Alteration, Demolition or New Construction Affecting Historic Landmarks or Historic Architectural Design Districts”

Section 23. Chapter 270 of the Village Code “Zoning”, Article V “Additional Standards” Section 270-26, “Additional Standards”, Subsection F “Accessory Use Group” is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

(6) Outdoor Accessory Recreation.

(a.) Outdoor Accessory Recreation requires a minimum lot size of 1 acre, subject to the following:

(i.) Such recreation shall be deemed to be a structure and shall not be located less than 30 feet from the side and rear lot lines.

(ii.) Such recreation shall be located in the side or rear yards.

(iii.) No illumination of the facility of any kind shall be allowed.

(iv.) Screening of the recreation use shall be provided from the view of adjacent properties.

(v.) No loudspeaker or amplifying device shall be permitted.

Section 24. Chapter 270 of the Village Code “Zoning”, Article VI “Supplementary Regulations” Section 270-27, “Residence Districts”, Subsection E “Exceptions to yard requirements” is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

(1.) Permitted obstructions. Chimneys cornices or cantilevered roofs may project not more than three feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six inches into a required yard. Fences or walls under 6.5 feet in height may be erected anywhere on the lot, except as set forth in Subsection B and Subsection E (2). Fences or walls with a height in excess of 6.5 feet shall conform to the requirements set forth herein for buildings. Finished side of the fence must face outward towards the property line. Paved areas (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street line or four feet of any lot line.

Section 25. Chapter 270 of the Village Code “Zoning”, Article VI “Supplementary Regulations” Section 270-27, “Residence Districts”, Subsection E “Exceptions to yard requirements” is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

[(4.) Front Yards on narrow streets. On streets with less than a fifty-foot right of way, the front yard setback shall be measured from the center line of the existing right of way, and 25 feet shall be added to the front yard setback.]

[(5.)](4.) Structures permitted in yards. The placing of ornamental fountains, gatehouses and other structures for security or traffic-control purposes of a non-inhabitable type, may be permitted in any yard upon approval of the Planning Board and Board of Architectural Review.

Section 26. Chapter 270 of the Village Code “Zoning”, Article VI “Supplementary Regulations” Section 270-29, “Signs”, Subsection D “Signs for uses in the Commercial and Industrial use group”, Sub-subsection (1) (b) is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

(1) (b.) There shall not be more than one sign for each tenant in the building on the [principle]principal façade and for corner lots, corner stores in a shopping center, or for freestanding buildings a sign for each tenant may be placed on two facades.

Section 27. Chapter 270 of the Village Code “Zoning”, Article VI “Supplementary Regulations” Section 270-29, “Signs”, Subsection D “Signs for uses in the Commercial and Industrial use group”, Sub-subsection (6) “Freestanding signs” is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

(6) (a.) For a building set back at least 15 feet from the street, there shall be permitted a single freestanding sign of not greater than 25 square feet in NC-2 and VC districts and 40 square feet in all other districts identifying

the business or businesses located therein, located in the front or side yard, set back at least 10 feet, and not more than [30]25 feet in height.

Section 28. Chapter 270 of the Village Code “Zoning”, Article VI “Supplementary Regulations” Section 270-30, “Parking and loading requirements”, Subsection A “Offstreet parking”, Sub-subsection (3) is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

(3) All driveways, blacktop or loading docks must be [as]at least four feet away from the property line in residential districts (S-50, S-76, S-100, S-125, T, MF-1, MF-2, PRD) and all driveways, blacktop or loading docks must be at least two feet away from the property line in non-residential districts (PW a-c, SP-N, SP-S, CDD, RDD, IR, OR, VC, PC, NC-1, NC-2, GB and P-O) unless otherwise noted in Appendix B.

Section 29. Chapter 270 of the Village Code “Zoning”, Article VI “Supplementary Regulations” Section 270-31, “Prohibited uses in all districts”, is hereby amended by adding Subsection D as follows, with new matter underlined:

(D) Boardinghouse, Lodging or Rooming Houses of any kind are prohibited.

Section 30. Chapter 270 of the Village Code “Zoning”, Article VIII “Enforcement” Section 270-43, “Building Permits” is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

No building or retaining wall in any district shall be erected, reconstructed or restored or structurally altered without a building permit duly issued upon application to the Building Inspector. No building permit shall be issue unless the proposed construction or use is in full conformity with all the provisions of the law. Any building permit issued in violation of the provisions of this chapter shall be null and void and of no effect, without the necessity for any proceedings for revocation or nullification thereof; and any work undertaken or use established pursuant to any permit shall be unlawful.

Section 31. Chapter 270 of the Village Code “Zoning”, Article VIII “Enforcement” Section 270-44, “Certificate of Occupancy”, is hereby amended by adding Subsection J as follows, with new matter underlined:

(J) A partial certificate of occupancy or use for periods of 90 days, but not more than one year in the aggregate, for a building, structure or part thereof may be issued before all the on-site improvements are complete; provided, nonetheless, that such portion or portions of the site improvements as are necessary to permit the site to be occupied safely without endangering life or the public welfare have been completed. The Building Inspector shall require a cash deposit to ensure and guarantee

the completion of the on-site improvements. The Building Inspector shall determine the sum of such cash deposit.

Section 32. Chapter 270 of the Village Code “Zoning”, Article X “Planning Board; Conditional Uses; Site Plan Review” Section 270-52, “Site Development Plan Rules and Regulations”, Subsection G “Final review and approval” is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

[(c.) A partial certificate of occupancy or use for periods of 90 days, but not more than one year in the aggregate, for a building, structure or part thereof may be issued before all the on-site improvements are complete; provided, nonetheless, that such portion or portions of the site improvements as are necessary to permit the site to be occupied safely without endangering life or the public welfare have been completed. The Building Inspector shall require a cash deposit to ensure and guarantee the completion of the on-site improvements. The Building Inspector shall determine the sum of such cash deposit.]

[d.](c.) The site shall be developed in strict conformity with the approved site development plan, except as provided for below. When the approval of a change based on unexpected or unanticipated conditions is requested of the Building Inspector or other appropriate Village agency, such request shall be submitted to the appropriate inspecting agency in writing. No field change shall be valid unless a copy of the requested change is filed with the Planning Board, with the approval of the appropriate agency noted thereon or appended thereto, within five days of such approval. Such change shall be deemed acceptable if not acted upon by the Planning Board within 62 days.

Section 33. Chapter 270 of the Village Code “Zoning”, Appendix A: “USE TABLES”, Table A-2: “Permitted Accessory Uses in Business and Mixed Use Districts and Planned Waterfront Sub-Districts” is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

[illegible]

Section 34. Chapter 270 of the Village Code “Zoning”, Appendix A: “USE TABLES”, Table A-3: “Permitted, Conditional, and Special Permit Principal Uses in Residential Districts” is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

	S-125, S-100, S-75, S-50		T		MF-1, MF-2		PO		PRD
Residential Use Group									
Dwellings, single family detached	p		p		p		p		p
Dwellings, single family attached	np		np		p		p		p
Dwellings, two family detached	np		c		p		c		p
Dwellings, two family attached	np		np		p		c		p
Dwellings, multifamily	np		np		p		c		np
	S-125, S-100, S-75, S-50		T		MF-1, MF-2		PO		PRD
Commercial Use Group									
Adult entertainment uses	np		np		np		np		np
Animal-related uses, general	np		np		np		np		np
Animal-related uses, intensive	np		np		np		np		np
Bars or tavern uses	np		np		np		np		np
Cemeteries	c		c		c		c		c
Entertainment or recreation uses, indoor	np		np		np		np		np
Entertainment or recreation uses, outdoor	np		np		np		np		np
Lodging uses, bed and breakfasts	np		np		np		c		np
Lodging uses, hotels	np		np		np		np		np
Office uses, general	np		np		np		p		np
Office uses, live-work	np		np		np		c		np
Office uses, medical and dental	np		np		np		p		np
Parking uses, non-accessory	np		c		c		c		np

- Funeral parlors, taxidermists, mortuaries, and crematoriums.	np		np		np		p		np
<u>Restaurants</u>	<u>np</u>		<u>np</u>		<u>np</u>		<u>np</u>		<u>np</u>
Retail sales and service uses, sales oriented	np		np		np		np		np
Retail sales and service uses, personal service oriented	np		np		np		np		np
Retail sales and service uses, repair oriented	np		np		np		np		np
Retail sales and service uses, outdoor sales oriented	np		np		np		np		np
Vehicle-related uses, general	np		np		np		np		np
Vehicle Related uses, general plus	np		np		np		np		np
Vehicle-related uses, intensive	np		np		np		np		np
	S-125, S-100, S-75, S-50		T		MF-1, MF-2		PO		PRD
Civic and Institutional Use Group									
Clubhouses, community centers	np		np		np		c		np
Daycare and nursery schools	np		np		np		p		np
Educational uses, elementary or secondary	c		c		c		c		c
Educational uses, specialized	np		np		np		p		np
Educational uses, higher learning	c		c		c		p		c
Hospitals	np		np		np		np		np
Infrastructure and utilities uses, general	sp		sp		sp		sp		sp

Infrastructure and utilities uses, intensive	sp		sp		sp		sp		sp
Municipal uses	p		p		p		p		p
Places of worship	c		c		c		c		c
Senior Living Facilities	c		c		c		c		c
Water-related recreation facilities	np		np		np		np		c
	S-125, S-100, S-75, S-50		T		MF-1, MF-2		PO		PRD
Industrial Use Group									
Artisan workshop, general	np		np		np		c		np
Artisan workshop, intensive	np		np		np		np		np
Light manufacturing	np		np		np		np		np
Self-storage uses	np		np		np		np		np
Warehouse and freight movement uses	np		np		np		np		np

Section 35. Chapter 270 of the Village Code “Zoning”, Appendix A: “USE TABLES”, Table A-4: “Permitted Accessory Uses in Residential Districts” is hereby amended as follows, with new matter underlined and deleted matter in [brackets]:

	S-125, S-100, S-75, S-50		T		MF-1, MF-2		P-O		PRD
Drive-thru facilities	np		np		np		p		np
Fences and walls	p		p		p		p		p
Home-based businesses	p		p		p		p		p
Home occupations	p		p		p		p		p

Garage, Private	p		p		p		p		p
Off-street parking and loading	p		p		p		p		p
Outdoor storage	p		p		p		p		p
Outdoor dining	np		np		np		p		np
Outdoor displays	np		np		np		p		np
<u>Outdoor Accessory Recreation</u>	p		p		p		p		p
Signs	p		p		p		p		p

Section 36. Except as otherwise provided herein, all other provisions of Chapter 270 “Zoning” shall remain the same.

Section 37. The provisions of this Introductory Local Law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Local Law

Section 38. This Local Law shall take effect immediately upon publication and posting as required by law.