

**Review Key:**

Addition

Removal

Note

**May 27, 2011 Final Revisions To Zoning Code After  
Review by the BOT and LUC At Public Workshop  
(Note: The Portions of the Zoning Code Not  
Specifically Revised Herein Shall Remain)**

**ARTICLE 2 DEFINITIONS – THE FOLLOWING DEFINITIONS ARE BEING  
ADDED OR REVISED, ALL OTHER DEFINITIONS REMAIN THE SAME**

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**§300-2.1 GENERAL TERMS**

**CONTEXT LIMIT AREA**

All lots contiguous to a subject property as well as all buildings fronting on the same street as the subject property within 200 feet of the subject property.

**EAVE HEIGHT, DOMINANT**

Longest eave, unless otherwise determined by Architectural and Historic Review Board.

**EAVE HEIGHT, PREVAILING**

The average eave heights of existing buildings located within the Context Limit Area of the property being considered by the Architectural and Historic Review Board. Only the eave measured above the facade with the highest average grade on an existing building shall be used for determining the average. The average shall be calculated by adding the dominant eave heights on all existing buildings together and then dividing the total by the number of buildings. The result is the Prevailing Eave Height. Please refer to Section 300-4.1.

**IMPERVIOUS SURFACE**

A surface that has been compacted or covered with a layer of material so that it restricts infiltration of stormwater into the ground, including but not limited to: parking areas, parking decks, driveways, streets, sidewalks, areas of concrete, asphalt, gravel, or other compacted aggregate, swimming pools, and areas covered by the outdoor storage of goods or materials which do not absorb water.

**MIXED USE BUILDING**

A building containing more than one of the uses listed on Tables A-1, A-2 or A-3.

**MULTI-FAMILY DWELLING**

A building containing three or more residential dwelling units.

**MULTI-FAMILY HOUSING COMPLEX**

Two or more multi family dwelling buildings in one development project.

**RIDGE HEIGHT, PREVAILING**

The average of the heights of the dominant ridges of the buildings on all lots located within 200 feet of a property being considered by the Architectural and Historic Review Board. The average ridge heights of existing buildings located within the Context Limit Area of the property being considered by the Architectural and Historic Review Board. Only the highest ridge measured from the façade with the highest average grade on an existing building shall be used for determining the average. The average shall be calculated by adding such ridge heights on all existing buildings together and then dividing the total by the number of buildings. The result is the Prevailing Ridge Height. Please refer to Section 300-4.1.

### SKY EXPOSURE PLANE

A theoretical inclined plane, through which no part of a building may penetrate in OF and MDR-1 residential zoning districts. It rises over the zoning lot at an angle from or above the level base plane set forth in district regulations. For purposes of context based height limits in this code: determined by projecting a 45 degree angle from a height of 10 feet measured above a lot line with the base point of the measurement established as the average grade between the grade at the base of a building and the grade at the point on the lot line closest to the building. The Architectural and Historic Review Board may choose to disregard anomalies in the terrain to determining the average grade. The base points for establishing the Sky Exposure Plane shall be located in plan as the four points along the side lot lines determined by extending the line of the front wall of the building and the line of the back wall of the building to the side lot lines and as the one point along the front lot line and the one point along the rear lot line determined by extending a line through the midpoint of the building extended to the front and rear lot lines. All Sky Exposure Planes shall be shown on the elevation drawings submitted to the Architectural and Historic Review Board.

[DIAGRAM RESERVED]

### ARTICLE 3: NO REVISIONS

## ARTICLE 4 ARCHITECTURAL AND HISTORIC REVIEW BOARD

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### §300-4.1 ARCHITECTURAL AND HISTORIC REVIEW BOARD

#### A. PURPOSE AND FINDINGS

The Board of Trustees hereby states the following purposes and findings:

- (1) That Dobbs Ferry is a village of distinct neighborhoods, each of which has its own distinct architectural and landscape character related to the natural environment and historic context in which it was developed and the values of the people who have lived there over the course of time.
- (2) That Dobbs Ferry also is possessed of many distinct and unifying features that transcend particular neighborhoods, including the Hudson River waterfront, other smaller watercourses, generous open spaces, tree-lined streets, a traditional downtown and many hillside settings.
- (3) That Dobbs Ferry is home to a large number of longstanding institutions, the future use and development of which properties could have a substantial impact on the quality of life in the Village.
- (4) That building and design techniques and preferences have changed significantly throughout the course of the Village's period of settlement and are likely to continue

to change in the future, thereby posing continuing challenges to the preservation of the unique attributes of Dobbs Ferry's neighborhoods and the Village as a whole.

- (5) That Dobbs Ferry has a special responsibility, owing to its location on the Hudson River waterfront and its many historic resources, to guide future changes to its physical design and the appearance of its buildings, structures and landscapes in a manner that preserves and enhances the Village's traditional appearance, natural features, historic features, and sense of place.
- (6) That, in light of the above findings, the establishment of a Architectural and Historic Review Board with the power to review and approve or disapprove development applications on the basis of objective design and historic preservation standards, to be set forth in this Article, is in the best interests of the Village and its residents.
- (7) It is the purpose of this chapter to preserve the exterior traditional appearances of the buildings throughout the Village in the varying neighborhoods and to promote and protect the health, safety, morals and general welfare of the community. In addition, the Architectural and Historic Review Board's purpose is to conserve the value of the buildings and structures and encourage the most appropriate use of land within the Village.

## **B. ESTABLISHMENT AND ORGANIZATION**

- (1) In accordance with the findings set forth hereinabove, there is hereby established in the Village of Dobbs Ferry an Architectural and Historic Review Board, to consist of five members appointed by the Mayor, subject to the approval of the Board of Trustees. All members of the Architectural and Historic Review Board shall be residents of the Village and shall have particular expertise in architecture, historic preservation, landscape architecture, urban design, real estate, building construction, community and regional planning or related fields. At least one member of the Board shall be a registered architect in the State of New York, and at least one member shall:
  - (a) possess a degree or certification in historic preservation granted by an institution of higher education, and/or
  - (b) demonstrate expertise in historic preservation through a history of employment in the field or in projects involving historic preservation in a related field such as architecture, construction or planning.
- (2) The Mayor shall appoint one of the members of the Architectural and Historic Review Board to serve as Chairperson, subject to the approval of the Board of Trustees.
- (3) The members of the existing Architectural Review Board in office at the time this chapter takes effect shall assume office in the Architectural and Historic Review Board until the end of the term for which they were appointed to the Architectural and Historic Review Board. Their successors shall be appointed for terms of three years.
- (4) The Mayor may appoint one or two alternate Architectural and Historic Review Board members, subject to the approval of the Board of Trustees. The terms of the alternate members shall be three years, and no alternate member shall be appointed in the same year as another alternate member, except to fill the unexpired term of a vacancy. The chairperson of the Architectural and Historic Review Board may designate the alternate member to substitute for a member when such member is absent or unable to participate because of a conflict of interest on an application or

matter before the Board. Alternate members shall attend all meetings of the Architectural and Historic Review Board, shall sit with the regular Board members during the review of matters before the Board, and shall participate in all actions of the Board up to, but not including, voting on motions, resolutions and actions, unless they are substituting for a regular member.

- (5) If a vacancy shall occur otherwise than by expiration of term, the Mayor shall appoint a new member for the unexpired term.

### C. POWERS

- (1) The Architectural and Historic Review Board has the right to refuse to hear applications that are not compliant with the provisions of this Code or that are not complete.

- (2) Excessive similarity.

The Architectural and Historic Review Board may disapprove any application for a building permit referred to it, which shall include the construction, reconstruction or alteration of any building or structure ~~which either before or after said reconstruction or alteration, contains or will contain more than two thousand (2,000) cubic feet of cubical content,~~ provided that the Board finds that the building or structure for which the permit is applied would, if erected or altered, be so detrimental to the desirability, property values or development of the surrounding area, consisting of any lot fronting on the same street within 200 feet of the proposed site, as to provoke such harmful effects by excessive similarity to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application or for which an application for a permit is pending, ~~on a lot within two hundred (200) feet of the proposed site,~~ in respect to one (1) or more of the following features of exterior design and appearance: apparently identical façade; identical size and arrangement of either doors, windows, porticos or other openings or breaks in the façade facing the street, including reverse arrangement; massing, and/or other design elements, provided that a finding of excessive similarity shall be based upon a preponderance of evidence as set forth in the minutes.

- (3) Excessive dissimilarity

The Architectural and Historic Review Board may disapprove any application for a building permit referred to it, as provided in § C ~~(1)~~ (2) above, provided that the Board finds that the building or structure for which the permit is applied would, if erected or altered, be so detrimental to the desirability, property values or development of the surrounding area, consisting of any lot fronting on the same street within 200 feet of the proposed site, as to provoke such harmful effects by excessive dissimilarity or inappropriateness in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application or for which an application for a permit is pending, ~~on a lot within two hundred (200) feet of the proposed site,~~ in respect to one (1) or more of the following features: massing; cubical content; gross floor area; height or bulk of building or height of roof; or other significant features, such as but not limited to material, provided that a finding of excessive dissimilarity or inappropriateness shall be based upon a preponderance of evidence, as set forth in the minutes.

- (4) Limits on Ridge Heights, Eave Heights, and Sky Exposure Plane

~~In any~~ For any application in an OF or MDR-1 residential district submitted to the Architectural and Historic Review Board, the following shall apply:

- (i) Roof ridges shall not exceed a maximum height determined by multiplying the prevailing ridge height of existing buildings ~~on lots within 200 feet~~ within the Context Limit Area of the subject lot by 1.25. Existing ridge heights shall be measured from the average grade along the façade with the highest grade elevation and the proposed ridge height shall also be measured from the average grade along the façade with the highest grade elevation. Existing buildings with ridge heights excessively high or excessively low may be omitted from this calculation at the discretion of the AHRB. Proposed buildings with ridge heights that do not exceed 28 feet as measured above are exempt from this requirement. Refer to Table B-7.
- (ii) Roof eaves shall not exceed a maximum height determined by multiplying the prevailing eave height of existing buildings ~~on lots within 200 feet~~ within the Context Limit Area of the subject lot by 1.15. Eave heights shall be measured above the façade with the highest grade elevation and the proposed eave height shall also be measured from the average grade along the façade with the highest grade elevation. Existing buildings with eave heights excessively high or excessively low may be omitted from this calculation at the discretion of the AHRB. Proposed buildings with eave heights that do not exceed 22 feet as measured above are exempt from this requirement. Refer to Table B-7.
- (iii) The Architectural and Historic Review Board may omit buildings from the calculations that it determines are an anomaly within the Context Limit Area.
- (iv) No part of a proposed building may penetrate a plane determined by projecting a 45 degree angle from a height of 10 feet along a lot line, with the base point of the measurement established as the average grade between the lot line and the proposed building. Exceptions to this are chimneys and dormers 7 feet or less in width, not to exceed a total aggregate width of 33% of the overall length of the building wall below that roof on which the dormers sit. ~~The Architectural and Historic Review Board may modify the limits above to accommodate a proposed building when the Architectural and Historic Review Board determines that:~~
  - (A) ~~The applicant has demonstrated that best efforts have been made to comply with the limits but that this is not feasible due to special site conditions or the context of the neighboring buildings;~~
  - (B) ~~The project as a whole, with modifications included, remains consistent with the intent of this Section; and~~
  - (C) ~~The modifications granted shall be the minimum needed to solve the problems presented by the special site conditions or the context of the neighboring buildings.~~
- (v) A table listing the eave heights and the ridge heights of all relevant buildings used in determining the prevailing eave and ridge heights shall be provided

with the documents submitted to the Architectural and Historic Review Board for the application. The table shall show the prevailing eave height based on the calculation as per Table B-7.

(vi) Diagrams showing the sky exposure plane relative to the proposed building shall be included on the drawings submitted for the application to the Architectural and Historic Review Board.

(vii) For building designs that do not meet the standards of this Article, it is strongly recommended that the applicant submit massing diagrams that demonstrate why the project cannot comply or why the deviant design is preferable. The Architectural and Historic Review Board may require that these diagrams be submitted for its review. The burden of proof is on the applicant.

(5) The Architectural and Historic Review Board may modify the limits above to accommodate a proposed building when the Architectural and Historic Review Board determines that:

(i) The applicant has demonstrated that best efforts have been made to comply with the limits, but that this is not feasible due to special site conditions or the context of the neighboring buildings;

(ii) The project, as a whole, with modifications included, remains consistent with the intent of this section; and

(iii) The modifications granted shall be the minimum needed to solve the problems presented by the special site conditions of the context of the neighboring buildings.

(iv) The applicant has provided a written request for consideration acceptable to the Architectural and Historical Review Board that justify such modification.

## **NO CHANGES TO D AND E**

**§300-4.2 DESIGN REVIEW** [Note: Certificate of Appropriateness Historical Review, previously Listed As §300-4.2 and Design Review, previously numbered 300-4.3 have exchanged section numbers]

### **A. WHEN REQUIRED**

Design review by the Architectural and Historic Review Board shall be required for the following types of applications:

- (4) The construction, reconstruction, or exterior alteration of any structure.
- (5) Applications requiring site plan review.
- (6) Signs.

### **B. CRITERIA FOR DECISION**

- (1) **Buildings and Structures**

The Architectural and Historic Review Board shall approve, approve with modifications and/or conditions, or deny a permit for a building or structure in accordance with the expertise and judgment of its members, who shall be guided in their decision by the following:

- (a) Appendix F: Downtown Design Guidelines
- (b) Appendix G: Residential Design Guidelines
- (c) Consistency with the Vision Plan and the Local Waterfront Revitalization Plan (“LWRP”).
- (d) Consistency with the findings of the environmental quality review, if applicable.
- (e) Harmony with the character of the neighborhood and surrounding area.
- (f) The Field Guide to American Houses, and other recognized architectural field guides, selected by the Architectural and Historic Review Board for use as guidelines on historic styles and related massing, materials, and details.
- (g) The provisions of this Article.

(2) **Signs**

The Architectural and Historic Review Board shall consider the compatibility and harmony of proposed signs with existing and proposed improvements on the property, the surrounding built and natural environment and existing signs on nearby properties, in particular:

- (a) The sign should utilize materials and colors that are compatible with those used on the building.
- (b) The amount of information on the sign should be minimized, and the relative size of the lettering should be similar to other signs of the same type (e.g., wall signs, awning signs or monument signs) in the area.
- (c) The sign should not mask architectural features on the building or viewsheds identified in the Vision Plan or this chapter.
- (d) The intensity of sign lighting should be similar to that of surrounding signs, but the type of lighting may differ from sign to sign.

**C. TIME FOR DECISION**

Within forty-five (45) days of the first meeting on the application, the Architectural and Historic Review Board shall approve, deny, or approve the application subject to conditions in accordance with the law. ~~after the final review of the application or determination by the Architectural and Historic Review Board.~~ This time period is subject to such extensions of time as may be required by the Architectural and Historic Review Board to obtain further information, to complete the environmental quality review process, or for the applicant to submit amendments to the application. The time frame shall be extended to the next scheduled meeting if a regularly scheduled meeting has been cancelled for any reason. The failure to render a decision on an application within forty-five (45) days of the first meeting on the application does not result in an automatic approval, but rather, an applicant’s sole remedy is a mandamus proceeding to compel the board to act. Written findings shall be filed with the Village Clerk

within thirty (30) days of any decision approving, denying or approving the application subject to conditions. In instances where filing of a written decision is not required under this section and a written request for the issuance of a written decision has been made within thirty (30) days of such decision, written findings will be filed with the Village Clerk within sixty (60) days of such request.

#### **D. POST-APPROVAL PROCEDURE**

If the application requires additional approvals pursuant to this chapter, the Architectural and Historic Review Board shall refer the application together with a resolution detailing its findings and the conditions of approval to the appropriate administrative body. If the application does not require additional approvals, the Architectural and Historic Review Board shall refer the application together with a resolution detailing its findings and the conditions of approval to the Land Use Officer. All decisions by the Architectural and Historic Review Board shall be appealable to the Zoning Board of appeals within thirty (30) days of the filing of written findings that are filed with the Village Clerk.

#### **E. PUBLIC MEETINGS**

The Architectural and Historic Review Board shall conduct meetings open to the public, during which the application will be reviewed. These meetings, however, are not public hearings and the opportunity for the public to speak at meetings is at the discretion of the Architectural and Historic Review Board.

### **§300-4.3 CERTIFICATE OF APPROPRIATENESS HISTORICAL REVIEW [Note: Certificate of Appropriateness Historical Review, previously Listed As §300-4.2 and Design Review, previously numbered 300-4.3 have traded section numbers]**

#### **A. WHEN REQUIRED**

- (1) Binding historic review shall be required for applications involving the following:
  - (a) Site plans or subdivisions in locally designated historic districts.
  - (b) Site plans or subdivisions for properties locally designated as historic landmarks, or of historical significance.
- (2) Non-binding historic review shall be required for applications involving the following:
  - (a) Site plans or subdivisions in historic districts on the state or national registers of historic places or listed as eligible for inclusion on the state or national registers of historic places.
  - (b) Site plans or subdivisions for properties designated on the state or national registers of historic places or listed as eligible for inclusion on the state or national registers of historic places.

#### **B. CRITERIA FOR REVIEW OR APPROVAL**

The Architectural and Historic Review Board shall use the standards of the Secretary of the Interior in its review of development applications involving historic properties. In addition, the standards utilized for design review shall apply.

#### **C. TIME FOR DECISION**

- (1) **Binding Review**

The Architectural and Historic Review Board shall grant, deny, or grant subject to conditions an application in accordance with applicable law after the commencement of a hearing, subject to such extensions of time as may be required to obtain further information, to complete the environmental quality review process or for the applicant to submit amendments to the application. Any decision shall contain written findings explaining the rationale for the decision.

**(2) Non-binding Review**

The Architectural and Historic Review Board shall make recommendations with regard to an application in accordance with applicable law. Said recommendations shall not be binding, but a subsequent reviewing agency may include the recommendations as conditions of approval or may utilize the recommendations as a basis for disapproval of the application.

**D. POST-APPROVAL PROCEDURE**

If the application requires additional approvals pursuant to this chapter, the Architectural and Historic Review Board shall refer the application together with a resolution detailing its findings and the conditions of approval to the appropriate administrative body. If the application does not require additional approvals, the Architectural and Historic Review Board shall refer the application together with a resolution detailing its findings and the conditions of approval to the Land Use Officer.

**ARTICLE 5-9 – NO REVISIONS**

**ARTICLE 10 DISTRICT REGULATIONS, USE AND AREA REQUIREMENTS**

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**§300-10.1 RESIDENTIAL DISTRICTS**

**A. DISTRICT PURPOSES**

**(1) General Purposes of All Residential Districts**

The residential zoning districts contained in this section are intended to:

- (a) Provide appropriately located areas for residential development that are consistent with the Dobbs Ferry Vision Plan and with public health, safety, and general welfare;
- (b) Allow for a variety of housing types and community amenities that meet the diverse physical, economic, and social needs of residents; and
- (c) Respect the scale and character of existing residential neighborhoods and surrounding areas.

**(2) Specific Purposes of Residential Districts**

**(a) One-Family Residential (OF) Districts**

The primary purpose of the OF districts is to maintain the character and scale of established neighborhoods characterized by one-family houses on individual lots, and to allow for the appropriate development and redevelopment of lots in those areas. Clustered development may be appropriate in some areas with OF designation. The Zoning Ordinance provides a range of OF districts (OF-1 to OF-6) which are differentiated primarily on the basis of minimum lot area and coverage requirements.

**(b) Mixed Density Residential (MDR) Districts**

The primary purpose of the MDR district is to maintain the character and scale of established neighborhoods characterized by a mixture of detached one-family houses, two- and three-family homes, and multi-family housing, often found in large, older buildings which have been reorganized into apartments, and to allow for the appropriate development and redevelopment of lots and existing buildings in those areas. The district is also intended to provide a transition between OF districts and higher density apartment districts or commercial districts. The Zoning Ordinance includes three types of MDR districts intended to address the current and desired character of different areas of the Village.

- (i) MDR-1 allows for a mixture of one-, two- and three-family dwelling units. A minimum lot area of 2,500 square feet per dwelling unit is required. See Appendix B, Table B-2.
- (ii) MDR-2 allows for a more intense mixture of dwelling units, including townhomes and small multi-family buildings with a maximum of eight units per building. A minimum lot area of 800 square feet per dwelling unit is required. See Appendix B, Table B-2.
- (iii) MDR-H is intended to reinforce the existing pattern of larger historic homes and estates that have been subdivided into multiple dwelling units while maintaining the exterior appearance of a single family home. A minimum lot area of 2,500 square feet per dwelling unit is required. See Appendix B, Table B-2.

**(c) Multifamily (MF) Districts**

The primary purpose of the MF districts is to maintain the character and scale of existing multi-family housing complexes. Although the districts accommodate a wide range of housing types, they are primarily intended to accommodate moderate-to high-density, multi-unit residential buildings in areas where such development already exists. The Zoning Ordinance includes four MF districts (MF-1, MF-2, MF-3 and MF-4). These districts are differentiated primarily on the basis of allowed density (minimum lot area per unit).

**(d) Broadway (B) District**

The purpose of the Broadway (B) zoning district is to support the continued use of large homes, many built pre-1900, for multifamily and professional offices. Adaptive reuse that retains the historic character of the existing buildings is encouraged.

**B. RESIDENTIAL DESIGN GUIDELINES**

Conformance with the Residential Design Guidelines, Appendix G, as adopted by the Board of Trustees, is encouraged where applicable and shall be considered as part of the Site Plan review criteria, as well as the basis for the Architectural and Historic Review Board’s evaluation.

**C. USE REQUIREMENTS**

Permitted uses and dwelling types in each residential district shall be as specified in Table A-1.

## **D. AREA REQUIREMENTS**

### **(1) Minimum Lot Area**

The minimum lot area shall be the greater of either the minimum specified in Table B-1 or B-2 (depending on the underlying zoning zone district), and the average lot area of the existing lots within 400 feet of the subject property, not including any lands in the OS 3 zoning district.

### **(2) Minimum Lot Area per Dwelling Unit – Residential Districts**

The minimum lot area per dwelling unit specified in Table B-2 shall be provided, regardless of whether multiple dwelling units are located on a single lot or on individual lots. No lot shall be subdivided to form two or more lots unless each and every resulting lot meets the minimum lot area per dwelling unit required by Table B-2.

### **(3) Minimum Lot Width, Depth & Coverage**

The minimum lot width and depth shall be the greater of the minimum specified in Tables B-1 or B-2 (depending on the underlying zoning district), or the minimum specified in Table B-3.

### **(4) Minimum Side Yard Setbacks**

The minimum side yard setbacks (individually and combined) shall be the greater of the minimum specified in Tables B-1 or B-2 (depending on the underlying zoning district), or the minimum specified in Table B-4.

### **(5) Minimum Front Yard Setback**

The minimum front yard setback shall be the lesser of:

- (a) the prevailing front yard setback plus or minus 10% of the required minimum setback as defined by Table B-1 or B-2 (depending on the underlying zoning district); or
- (b) the minimum specified in Tables B-1 or B-2 (depending on the underlying zoning district) or the minimum specified in Table B-5.

### **(6) Maximum Front Yard Setback**

The maximum front yard setback shall be the prevailing front yard setback plus or minus 10% of the required minimum setback.

### **(7) Minimum Rear Yard Setback**

The minimum rear yard setback shall be the greater of the minimum specified in Tables B-1 or B-2 (depending on the underlying zoning district), or the minimum specified in Table B-5.

### **(8) Maximum Building Height, Ridge Height, Eave Height and Sky Exposure Plane**

The maximum building height, maximum eave height, and massing of buildings in the OF and MDR-1 residential districts shall be controlled with context-based limits as described below and as specified in Table B-7.

- (a) In single family residential zoning districts, the maximum building height shall be the lesser of:

- (i) the prevailing ridge height determined by multiplying the average existing ridge height of buildings on lots within ~~200 feet~~ the **Context Limit Area** of the subject lot by 1.25; or
  - (ii) the maximum building height specified in Table B-6 (depending on the underlying zoning district and roof pitch).in no event, however, shall the building be required to be less than two and one/half stories or less than 28 feet to the ridge.
- (b) In single family residential zoning districts, the eave height shall not exceed the prevailing height determined by multiplying the average existing eave height of buildings on lots within ~~200 feet~~ the **Context Limit Area** of the subject lot by 1.15. In no event, however, shall the building be required to have an eave height of less than 22 feet or be permitted to have an eave height of more than 28 feet.
  - (c) Anomalies identified by the Architectural and Historic Review Board, consisting of existing buildings with unusually high or unusually low ridges and/or eaves, may be excluded from the calculations used to determine the average ridge or average eave heights above.
  - (d) In any residential district where the maximum building height is limited to 2 ½ stories, no portion of the building, except for chimneys and dormers 7 feet or less in width, not to exceed a total aggregate width of 33% of the overall length of the building wall below that roof on which the dormers sit, shall penetrate the Sky Exposure Plane.

**(9) Maximum Site Coverage and Impervious Surface Area**

The maximum site coverage and impervious surface area shall be as specified in Tables B-1, B-2, or B-3 (depending on the underlying zone district).

**§300-10.2 DOWNTOWN DISTRICTS -- NO REVISIONS**

**§300-10.3 SPECIAL DISTRICTS**

**A. WATERFRONT A (WF-A) DISTRICT**

**(1) District Purpose**

- (a) The purpose of the Waterfront District A is to permit and encourage water-dependent and water-related uses of the area in a manner consistent with the vision and priorities expressed in the Village's Local Waterfront Revitalization Plan (LWRP).
- (b) The Waterfront District **A** designation permits recreational, open space, commercial and business uses that will benefit from and, in turn, enhance the unique aesthetic, recreational, historic and environmental qualities of the waterfront area. This district is designed to protect the sensitive aesthetic, recreational, historic and environmental features that exist along the shoreline, to promote and encourage public access to the shoreline and enjoyment of these features, to encourage appropriate water-oriented uses of this area, to preserve and enhance mixed commercial use of old industrial buildings that bring creative small businesses, artisans and entrepreneurs to the community and support the Village's economy and bring people to the waterfront area and to ensure appropriate density of commercial development.

**(2) Permitted Uses**

- (a) Uses are permitted in the Waterfront A zoning district in accordance with Table A-3.
- (b) Any and every use allowed by this subsection is subject to and conditioned upon site plan review by the Board of Trustees and Planning Board pursuant to Article 12, except the following uses when they are located in structures existing on site as of September 23, 2003:
  - (i) Restaurants
  - (ii) Retail sales and service uses, sales-oriented
  - (iii) Studios for artists and craftpersons
  - (iv) Educational enterprises devoted to teaching arts, crafts, theater, music, yoga, martial arts, or any similar discipline, or to continuing educational enterprises for people of all ages whether engaged in the profit or not-for-profit sector.

**(3) Special Permit Conditions and Procedures**

- (a) Uses within Waterfront District A shall be subject to the issuance of special permits as described below and site plan review, in accordance with §300-12.2.
- (b) In considering any application for a special permit in the Waterfront District, the Planning Board shall be guided by the general provisions pertaining to the issuance of special permits set forth in §300-12.2.
- (c) In addition to those general conditions, the Planning Board may condition the grant of a special permit on compliance with any reasonable requirements or conditions that are directly related and/or incidental to the proposed use so as to ensure that it will be in harmony with and further the objectives of the LWRP. These objectives include but are not limited to preservation and enhancement of the unique aesthetic, recreational, historic and environmental qualities and features of this district for the maximum benefit and enjoyment of the entire community. Requirements or conditions under this provision may include or relate to any or all of the following:
  - (i) Maximizing and facilitating public ingress, egress, access to and enjoyment of the riverfront area and shoreline;
  - (ii) Providing amenities, services and attractions that will draw people to the riverfront and encourage public use and enjoyment of the area;
  - (iii) Requiring the use of best management practices with respect to protection of water quality, stormwater management, erosion and sediment control;
  - (iv) ~~Minimizing construction on or regarding of steeply sloped areas greater than 15 percent but less than 25 percent; (Removal of old (iv) and renumbering or remaining)~~ Preserving the viewshed for maximum enjoyment and benefit of the community as a whole;
  - (v) Protecting streams and watercourses leading into the Hudson River;
  - (vi) Insuring appropriate location and screening of parking, utility installations and accessories, lighting and sign locations;
  - (vii) Supporting water-dependent and water-enhanced uses and activities.
- (d) In granting a special permit under this subsection, the Planning Board shall make specific findings that set forth the manner in which the proposed use and special permit conditions are directly related and/or incidental to the proposed

use so as to ensure that it will be in harmony with and further the objectives of the LWRP and, in particular, the preservation and enhancement of the unique aesthetic, recreational, historic and environmental qualities and features of this district for the maximum benefit and enjoyment of the entire community.

**(4) Dimensional Standards**

All structures in the Waterfront zoning districts shall meet the standards in Table B-9.

**(5) Bulk and Density Computations**

No portion of any lot or parcel in the Village that lies beneath the mean high water mark may be used or taken into consideration in calculating the permissible yield, density, bulk, lot coverage or site coverage of all or any part of the upland portion of the lot of which the underwater portion is a part.

**B. WATERFRONT B (WF-B) DISTRICT**

**(1) District Purpose**

- (a) The purpose of the Waterfront District B is to permit and encourage uses of the area in a manner consistent with the vision and priorities expressed in the Village's Local Waterfront Revitalization Plan (LWRP).
- (b) The Waterfront District **B** designation permits recreational, open space, commercial, business, and residential uses that will benefit from and, in turn, enhance the unique aesthetic, recreational, historic and environmental qualities of the waterfront area. This district is designed to protect the sensitive aesthetic, recreational, historic and environmental features that exist along the shoreline, to promote and encourage public access to the shoreline and enjoyment of these features, to preserve and enhance mixed commercial use of old industrial buildings that bring creative small businesses, artisans and entrepreneurs to the community and support the Village's economy and bring people to the waterfront area and to ensure appropriate mixed-use density of both commercial and residential development.

**(2) Permitted Uses**

- (a) Uses are permitted in the Waterfront B zoning district in accordance with Table A-3.
- (b) Any and every use allowed by this subsection is subject to and conditioned upon site plan review by the Board of Trustees and Planning Board pursuant to Article 12, except the following uses when they are located in structures existing on site as of September 23, 2003:
  - (i) Retail sales and service uses, sales-oriented
  - (ii) Studios for artists and craftpersons
  - (iii) Educational enterprises devoted to teaching arts, crafts, theater, music, yoga, martial arts, or any similar discipline, or to continuing educational enterprises for people of all ages whether engaged in the profit or not-for-profit sector.

**(3) Bulk and Density Computations**

- (a)** In applying the dimensional standards set forth in Table B-9, in addition to any other applicable adjustment required by this Zoning Ordinance, an area equivalent to 140 percent of the footprint of any existing building or structure scheduled to

remain shall be subtracted from the total lot area before the permissible bulk or density limits are derived.

~~(b) No portion of any lot or parcel in the Village that lies beneath the mean high water mark may be used or taken into consideration in calculating the permissible yield, density, bulk, lot coverage or site coverage of all or any part of the upland portion of the lot of which the underwater portion is a part.~~

**(4) Dimensional Standards**

All structures in the WF-B zoning district shall meet the standards in Table B-9.

**(5) Development Incentive Density Bonuses in Waterfront District B**

In order to further the objectives of the LWRP, the Vision Plan, the Board of Trustees in consultation with the Planning Board, may increase the permissible density of development in Waterfront District B as set forth below:

- (a) The Board of Trustees may provide density bonuses in accordance with this subsection in exchange for an applicant providing one or more of the following facilities or amenities:
  - (i) Maximizing and facilitating public ingress, egress, access to and enjoyment of the shoreline in Waterfront District A by the construction of a pedestrian esplanade way along the river shore in Waterfront District B as a contiguous portion of a larger Village Riverwalk such as is proposed in the LWRP;
  - (ii) Maximizing and facilitating public ingress, egress, access to and enjoyment of the shoreline in Waterfront District A by shoreline stabilization and bulkhead restoration projects, construction of piers, launching facilities or other recreational waterfront or shoreline amenities;
  - (iii) Maximizing and facilitating public ingress, egress, access to and enjoyment of the shoreline in Waterfront District A and providing linkage between the waterfront and the rest of the Village by creating and/or restoring, maintaining and making available to the public one or more means of access over the railroad right-of-way and ensuring public access thereto over and across property within the Waterfront B zoning district;
  - (iv) Committing a significant portion of land in Waterfront Districts A and B to park or open space use, either by conveying the land to the Village for such purposes or by other means, such as covenants, deed restrictions and conservation easements.
  - (v) Providing publicly accessible open space and/or recreational areas in Waterfront Districts A and B and providing access to Waterfront District A from Waterfront District B;
  - (vi) Protecting steep slopes and environmentally sensitive features;
  - (vii) Providing public access to the Metro North Station and encouraging the use of mass transit;
  - (viii) Preserving a significant portion of the existing structures in Waterfront District A or B for uses described in §300-10.3 B (2);
  - (ix) Providing a mix of residential unit sizes (e.g., one-bedroom, two-bedroom) in development to be constructed in Waterfront District B that is consistent with the needs of the Village; and

- (x) Achieving a LEED rating for the development within the Waterfront Business District to the greatest extent possible.
- (b) For applicants who provide or make provision for amenities and facilities listed in §300-10.3 B (6)(a), above, the Board of Trustees may, at its discretion, award bonuses by increasing the density ratios in Waterfront District B up to a maximum of 20 percent. A bonus awarded under this provision may be in any increment between 0 percent and 20 percent in proportion to the degree to which the proposed amenities confer benefits identified in §300-10.3 B (6)(a), above, and shall be computed by reducing the minimum size of plot per family by the amount of the bonus. For example, if a bonus of 10 percent were allowed, permissible density would be calculated based on a reduction of the minimum lot per family from 2,500 square feet to 2,250 square feet. The bonus permitted under this section is a bonus in permissible density only, and does not authorize any enlargement of the permissible bulk or lot coverage of buildings to be constructed.
- (c) In awarding a density bonus under this subsection, the Board of Trustees shall make specific findings that set forth in detail the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP and the Vision Plan, and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and historic qualities and features of this district for the maximum benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community. The findings shall also set forth in detail the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus.

**(6) General Requirements and Restrictions**

- (a) All lighting must comply with the standards of §300-11.6.
- (b) In addition to the standards set forth in §300-11.1.A and §300-11.11.B., there shall be no construction on or regrading of steeply sloped areas greater than 25 percent unless the Planning Board and/or the Board of Trustees makes a specific finding that such construction or regrading is warranted by considerations that make alternative approaches less desirable in view of overall planning considerations (including the overall objectives of the LWRP) and will be carried out in a manner consistent with best management and engineering practices for such construction or regrading.

**C. CHAUNCEY PARK (CP) DISTRICT**

**(1) District Purpose**

The purpose of the Chauncey Park (CP) zoning district is to facilitate redevelopment opportunities in the area of the Village bordering the Saw Mill Parkway immediately north and south of Lawrence Street. The area was originally a small hamlet served by the Putnam train line with a station at Lawrence Street. Because of its remote location relative to the remainder of the Village and its excellent access to the regional roadways, the area is particularly appropriate for larger-scale redevelopment as a mixed use center with substantial employment and mid- to high-density residential opportunities. New construction in the CP district shall meet standards for cluster development, with a site design that is sensitive to the environmentally sensitive features in the area, including wetlands and watercourses, steep slopes, and woodland areas, and that takes advantage of opportunities for trail connections, sidewalks and greenbelts. In addition, building design should reflect the modernist architectural style of existing buildings. As the area represents a prime development opportunity in the

Village, all plans will be held to the highest standards of site design, architecture, and green building.

**(2) Cluster Development Mandated**

In order to allow for additional flexibility in site and building design while ensuring the highest quality development with significant community benefits, any redevelopment of portions or the entirety of the CP zoned property that includes the subdivision of properties or the development of new structures shall be consistent with the standards for cluster development in Article 13F.

**(3) Permitted Uses**

Permitted uses in the Chauncey Park (CP) zoning district shall be as specified in Table A-3.

**(4) Dimensional Standards**

Dimensional standards in the Chauncey Park (CP) zoning district shall be as specified in Table B-10.

**(5) Base Density**

The Base Density for development within the Chauncey Park District is one unit per 1,800 square feet of gross site area. The density may be increased according to the bonuses set forth in (6) below and the standards set forth in “Cluster Development” set forth in Article 13F.

**(6) Development Incentive Bonus in the Chauncey Park District**

In order to further the objectives of the LWRP **and** the Vision Plan, the Board of Trustees in consultation with the Planning Board, may increase the permissible density of development in the Chauncey Park District as set forth below:

- (a) The Board of Trustees may provide, in its sole discretion, density bonuses in accordance with this subsection in exchange for an applicant providing one or more of the following facilities or amenities:
  - (i) Preserving environmentally sensitive features such as steep slopes, rock outcroppings, water courses and stands of trees;
  - (ii) Implementing stormwater management measures that improve the water quality in wetlands and help prevent flooding of the Saw Mill River Parkway;
  - (iii) Committing a significant portion of land in the Chauncey Park District to park or open space use, either by conveying the land in the Chauncey Park District to the Village for such purposes or by other means, such as covenants, deed restrictions, and/or conservation easements;
  - (iv) Promoting walking and biking trails that help connect sidewalks and offsite trails through the Chauncey Park District to neighboring communities, parkland the Putnam bike trail, and Hillside Park;
  - (v) Improving vehicular traffic patterns and connections to adjacent street networks through the Chauncey Park District to reduce congestion;
  - (vi) Encouraging the use of mass-transit for people visiting, working or living in the Chauncey Park District;

- (vii) Providing a shuttle bus system connecting the Chauncey Park District to the Downtown portions of the Village of Dobbs Ferry and the Metro North Station;
  - (viii) Preserving a significant portion of the existing structures in the Chauncey Park District;
  - (ix) Providing a mix of residential unit sizes (e.g., one-bedroom and two bedroom units) in development to be constructed in the Chauncey Park District that is consistent with the needs of the Village; and
  - (x) Achieving a LEED ND rating for the development within the Chauncey Park District, although actual certification is not required.
- (b) For applicants who provide or make provision for amenities and facilities listed in §300-10.3 B(6)(a), above, the Board of Trustees may, at its discretion, award bonuses by increasing the density ratios in Chauncey Park District up to a maximum of 20 percent. A bonus awarded under this provision may be in any increment between 0 percent and 20 percent in proportion to the degree to which the proposed amenities confer benefits identified in §300-10.3 C(6)(a), above, and shall be computed by reducing the minimum size of plot per family by the amount of the bonus. For example, if a bonus of 10 percent were allowed, permissible density would be calculated based on a reduction of the minimum lot per family from 1,800 square feet to 1,620 square feet. The bonus permitted under this section is a bonus in permissible density only, and does not authorize any enlargement of the permissible bulk or lot coverage of buildings to be constructed.
- (c) In awarding a density bonus under this subsection, the Board of Trustees shall make specific findings that set forth in detail the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP and the Vision Plan, and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and historic qualities and features of this district for the maximum benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community. The findings shall also set forth in detail the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus.

#### **D. EDUCATIONAL/INSTITUTIONAL (EI) DISTRICT**

##### **(1) District Purpose**

The purpose of the EI district is to accommodate the development of public or quasi-public facilities or private facilities of a non-commercial character, including churches, hospitals, schools, and cultural facilities in a campus-like setting with substantial open space. The Ardsley Country Club, while an existing private facility, is included within this district because of similar land use impacts and the campus-like setting of the facility. The Dobbs Ferry Hospital, while it does not include substantial open space, is included within this EI district specifically because it is a large public facility with a property that is incongruent with its surrounding residential neighbors, requiring better control of the uses of that property and their impacts on the surrounding community. Because of the size of the EI zoned lands and the potential for significant impacts on surrounding properties and the community as a whole, redevelopment and subdivision applications shall meet the cluster development standards. In order to permit a comprehensive understanding and review of future development potential, a plan illustrating the property-owner's development and disposition plans for the site should accompany any such application.

**(2) Cluster Development Mandated**

In order to allow for additional flexibility in site and building design while ensuring the highest quality development with significant community benefits, any redevelopment of portions or the entire parcel in the EI-zone that includes the subdivision of properties or the development of new structures shall be and are mandated to be consistent with the standards for cluster development in Article 13.F.

**(3) Development Plan Required**

Any application for subdivision or development shall include a graphic plan and accompanying text illustrating the property owner's long-term plan for the development and disposition of the site. Such plan should, at a minimum, indicate proposed roadway and pedestrian path alignments, open space and sensitive natural areas/features, areas identified for disposition, and proposed uses, densities, and building heights. Where a rezoning application is anticipated for a portion or the entirety of the site, the preferred zoning designation should also be indicated. Such plan shall not constitute an application for rezoning.

**(4) Permitted Uses**

Permitted uses in the EI zoning district shall be as specified in Table A-3.

**(5) Dimensional Standards**

Dimensional standards in the EI district shall be as specified in Table B-10.

**(6) Base Density**

The base permitted density for development within the EI district is per 40,000 square feet. That density may be increased according to the standards for cluster development at Article 13 F and the findings of the site plan review.

## ARTICLE 11 SUPPLEMENTARY REGULATIONS

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### §300-11.1 ALTERATION, ENLARGEMENT OR EXTENSION OF A NONCONFORMING SITE, STRUCTURE OR SIGN

- A. In accordance with §300-11.12 E. of this chapter, an applicant may apply to the Zoning Board of Appeals to alter, enlarge or extend a lawfully existing nonconforming site, structure or sign.
- B. On forms provided by the Land Use Officer, the applicant shall submit an application setting forth the reasons for the request and the information required by Appendix D. The Land Use Officer shall review the application for completeness and refer the application to the Zoning Board of Appeals and to the Technical Advisory Committee.
- C. The Zoning Board of Appeals may grant the application upon a finding that the standards provided in the New York State Village Law at §7-712-b for the granting of area variances have been met.
- D. The Zoning Board of Appeals shall decide a request for such improvement in accordance with applicable law after the close of the public hearing. Following a decision by the Zoning Board of Appeals, the application shall also be subject to any other review that may be required, including but not limited to site plan review, and design and historic review.

### §300-11.2 ACCESSORY DWELLING UNIT **PERMITS**

Accessory dwelling units are illegal in the Village of Dobbs Ferry. **Dobbs Ferry is a community that takes pride in its diverse social character, which is due in large part to the range of housing types located within the Village of Dobbs Ferry. This social diversity may be threatened by a dramatic increase in housing values. The purpose of this Article is to help ensure the continued availability of housing for residents of various income levels, which in turn will help maintain Dobbs Ferry's community character, and which further promotes the general welfare by enabling workers and volunteers who provide valuable services to the Village to be able to live in Dobbs Ferry. It is the objective of this Article to address these purposes by requiring certain types and scales of development in the Village of Dobbs Ferry, taking place either through the construction of new structures or through the rehabilitation of existing structures, to contribute to the creation of low- and moderate-income housing consistent with the standards and conditions of this Article.**

### §300-11.3 AFFORDABLE HOUSING

Dobbs Ferry is a community that takes pride in its diverse social character, which is due in large part to the range of housing types located within the Village of Dobbs Ferry. This social diversity may be threatened by a dramatic increase in housing values. The purpose of this Article is to help ensure the continued availability of housing for residents of various income levels, which in turn will help maintain Dobbs Ferry's community character, and which further promotes the general welfare by enabling workers and volunteers who provide valuable services to the Village to be able to live in Dobbs Ferry. It is the objective of this Article to address these purposes by requiring certain types and scales of development in the Village of Dobbs Ferry, taking place either through the construction of new structures or through the rehabilitation of existing structures, to contribute to the creation of low- and moderate-income housing consistent with the standards and conditions of this Article.

## **A. SET-ASIDE REQUIREMENT**

Before the Board of Trustees may approve a site plan for a residential development containing more than 10 dwelling units, whether in single-family, two-family or multifamily buildings, such site plan shall show affordable housing units as follows:

- (1) Ten percent of all units in such development shall meet the definition of an "affordable housing unit" as set forth in this chapter. Where the number of proposed units results in a partial affordable unit, the number shall be rounded according to the rules of §300-1.9.F.(1).
- (2) Affordable housing units shall generally be distributed evenly throughout the development, although the Board of Trustees and Planning Board may use discretion in reviewing and approving distribution.
- (3) The exterior appearance of affordable housing units shall not distinguish them as a class from other units.
- (4) Affordable housing units shall be distributed among one-, two-, and three- bedroom units in the same proportion as all other units in the development, unless a different proportion is approved by the Board of Trustees and Planning Board as being better suited to the housing needs of the Village.

## **B. ADMINISTRATION**

### **(1) Rental of Affordable Housing Units**

- (a) The owner of any building subject to this section shall annually certify to the Village that the requisite number of affordable rental units have been rented to income-eligible tenants as determined pursuant to the definition of "affordable housing unit" in this chapter and that any new tenants of the affordable units meet the income guidelines in effect when said new tenants take occupancy. Annual certifications shall include unit designations and occupant names and shall be signed by the owner of the building and a certified public accountant.
- (b) The deed to a multifamily building subject to this section shall include a restriction requiring that any subsequent owner of the building meet all the requirements of this section.
- (c) The Village Board of Trustees shall be responsible for the affordable housing requirements of this section and shall have the authority to promulgate such rules and regulations as may be necessary to implement them.
- (d) The Village Board of Trustees may designate such additional person(s), authorities and procedures as necessary to monitor compliance with the provisions of this section.

### **(2) Sale of Individually Owned Affordable Housing Units**

- (a) The deed to any individually owned affordable housing unit shall include a restriction that the unit must be sold to an income-eligible person, as determined pursuant to the definition of "affordable housing unit" in this chapter, and may not be sold for an amount greater than the original purchase price paid by the owner increased by:
  - (i) The Metropolitan consumer price index (CPI) from the date of original purchase to the date of sale;
  - (ii) The cost of purchasing and selling the unit;

- (iii) The documented value of fixed improvements legally made by the owner; and
- (iv) Other provisions and conditions in the Resolution approving the site plan for the project within which the affordable unit is located that may modify the above restrictions or set a time limit on the restrictions.

**(3) Annual Rent of Affordable Units and Income Limits For Home Owners**

The annual rental cost of an affordable unit shall not exceed 33% of an eligible household's income. For home owners, the sum of principal, interest, taxes and insurance (PITI) and common charges as applicable shall not exceed 33% of said income.

**(4) Alternatives to Set-aside**

Where the Board of Trustees determines that the required number of affordable housing units cannot be located in the site plan applicant's development, the Board of Trustees shall:

- (a) Require the applicant to construct the affordable housing units at another location in the Village; or
- (b) ~~Require the applicant to pay a fee equal to the cost of developing the required number of affordable housing units into a Special Affordable Housing Fund in an amount to be included in the schedule of fees adopted by the Board of Trustees.~~ Require the applicant to pay a fee into a Special Affordable Housing Fund in an amount determined by the Board of Trustees for the creation of affordable housing units.

**(5) Applicability**

This section shall not apply to any residential development that has received site plan approval prior to the effective date of this section.

**§300-11.4 EXTERIOR LIGHTING**

**A. PURPOSE**

The purposes of the exterior lighting standards are to:

- (1) Provide adequate light for safety and security;
- (2) Promote efficient and cost effective lighting and to conserve energy;
- (3) Reduce light pollution, uplighting, light trespass, glare, and offensive light sources, including, but not limited to flood lighting and unshielded wallpacks, uplighting of buildings and signs
- (4) Provide an environmentally sensitive nighttime environment that includes the ability to view the stars against a dark sky; and
- (5) Prevent inappropriate, poorly designed or installed outdoor lighting;

**B. GENERAL STANDARDS**

- (1) Any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with a full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property.
- (2) The maximum height of any lighting pole serving a residential use shall be 12 feet. The maximum height serving any other type of use shall be 15 feet, except in

parking lots larger than five acres; the maximum height shall be 20 feet; poles with a height of more than 12 feet shall be located at least 100 feet from any residential use.

- (3) No flickering, rotating, or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
- (4) Light fixtures located within commercial buildings that project light outside of the building through windows or other openings shall be considered exterior lighting under this section.
- (5) Exterior lights and illuminated signs shall be designed, located installed and directed in such a manner as to prevent objectionable light at the property lines and disability glare at any location on or off the property.
  - (a) All parking areas lighting will be full cut-off type fixtures.
  - (b) Uplighting is prohibited. Buildings, externally lit signs, displays, and aesthetic installations must be lit from the top and illuminated downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained to the target area. Internally lit signs are prohibited.
  - (c) All building lighting for security or aesthetics will be full cut-off or a shielded type, not allowing any upward distribution of light. Floodlighting is discouraged, and if used, must be shielded to prevent:
    - (i) Disabling glare for drivers or pedestrians,
    - (ii) Light trespass beyond the property line, and
    - (iii) Light above a 90-degree, horizontal plane.
  - (d) Adjacent to residential property, no direct light source shall be visible at the property line at ground level or above.
  - (e) All non-essential lighting shall be required to be turned off after business hours, leaving only the necessary lighting for site security.
- (6) New site lighting plans must follow guidelines in the Recommended Practice booklets published by the Illuminating Engineering Society of North America (IESNA).

**C. MAXIMUM LIGHT LEVELS**

Lighting shall comply with the maximum light levels, measured in footcandles, shown in the table below. Lighting levels at property lines adjacent to a public sidewalk or right-of-way may meet the maximum footcandles permitted for pedestrian walkways. Lighting for outdoor recreation facilities such as sports fields shall be determined by the Planning Board as part of the site review process.

Location	Residential Districts	Nonresidential Districts
Property Line	1.0	2.0
Building Entries	5.0	5.0
Parking Areas	3.0	5.0
Pedestrian Walkways	3.0	3.0

**§300-11.5 FENCES AND WALLS**

## A. GENERAL STANDARDS

- (1) When a fence is designed to have a "front" and a "back," the "front" of the fencing shall face toward the closest property line, while the "back" of the fencing shall face toward the interior of the property upon which the fence is being erected. All fences should be submitted to and approved by the ARB.
- (2) Fences, property walls, and retaining walls are not subject to setback requirements from property lines. Retaining walls with a height differential of less than 30 inches as measured from the grade at the low side to the grade at the high side do not require a building permit. All retaining walls with a height differential of 30 inches or greater as measured from the grade at the low side to the grade at the high side require a building permit and are subject to site plan review and approval. All retaining walls **requiring a building permit** shall be submitted to and approved by the ARB.

## B. HEIGHT

### (1) Measurement

- (a) Fence height shall be measured from ground level to the highest portion of the fence. Where the grade changes along the length of a fence, the high point of the fence shall generally follow the grade.
- (b) When a fence is erected upon a man-made berm or wall, the height shall be measured from the base of the man-made berm or wall.
- (c) For compliance with (b) above, fences or walls located on top of retaining walls or berms shall be limited to a height of four feet as measured from the grade at the bottom of the fence to the top of the fence or wall. For the purpose of measuring the height of retaining walls, any retaining wall within five feet of another wall shall be considered a single wall.

### (2) Residential Districts

In the residential districts, fences and walls shall not exceed a height of four feet in front yards and six feet in side and rear yards. Any fence installed in a front yard shall be of no greater than sixty percent (60%) opacity (that is, it shall obscure no more than sixty percent (60%) of the view into the land).

### (3) Non-Residential Districts

In zoning districts other than residential zoning districts, fences and walls shall not be permitted in front setback areas, except along side property boundaries, and shall not exceed a height of six (6) feet on the remainder of front yards and in side or rear yards. When necessary for security purposes, taller fences may be approved by the Planning Board as part of the site plan review process.

### (4) Exemptions

#### (a) Required Screening

Fencing provided to meet screening standards established by the Planning Board or any requirement of this chapter is exempted from the opacity standards of this subsection but in no case shall the fencing exceed the maximum height limits of this subsection.

**(b) Exemption for Recreational Fencing**

Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this subsection. Such fences shall be constructed of vinyl-coated chain link material or other similar material so as not to create a solid or closed surface. Weaving of material between links, or otherwise creating a closed fence surface is prohibited. Fences surrounding swimming pools shall meet state building code standards.

**(c) Exemption for Safety**

Major utilities, wireless telecommunication service facilities, government facilities, and other public safety uses shall be allowed to increase maximum fence heights to eight feet in front, side, and rear yards when necessary for public safety reasons.

**C. MATERIALS**

Fences, walls and gates adjacent to public rights-of-way shall be constructed of a durable and decorative material such as stone, brick, wrought iron, or wood. Chain link or metal slat fencing is prohibited in the front yard, and electrified fences, razor wire and barbed wire are prohibited in any and all yards.

**§300-11.6 LANDMARK AND HISTORIC DISTRICT DESIGNATION**

**A. PURPOSE**

- (1) The Board of Trustees finds that there exists within the village places, sites and structures that have a special character or special historical or aesthetic interest or value in American, New York State and local history, architecture and culture; that it is feasible to preserve and continue the use of such places, sites and structures; and that such places, sites and structures face the danger of being demolished and destroyed without adequate consideration of the irreplaceable loss to the people of the village of the aesthetic, cultural and historical values represented by such improvements.
- (2) The protection, enhancement, perpetuation, preservation and use of improvements of historical, aesthetic, cultural and architectural value are a public necessity and are required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to effect and accomplish the protection, enhancement, perpetuation and preservation of such places, sites and structures located within the village; safeguard the village's historic, aesthetic, cultural and architectural heritage as embodied and reflected in such improvements within historic districts and on landmark sites; stabilize and improve property values in such historic districts; foster civic pride in the beauty and accomplishments of the past; protect and enhance the village's attractions to residents, visitors and business interests; strengthen the economy of the village and promote the use of the Historic Districts and landmark sites for the education, pleasure and welfare of the people of the village and area.

**B. VILLAGE BOARD MAY DESIGNATE LANDMARKS AND HISTORIC DISTRICTS**

- (1) Pursuant to the procedures in this subsection the Board of Trustees may by Resolution:
  - (a) Designate as a landmark an individual building or other feature or an integrated group of structures or features on a single lot or site having a special character

- and historical, architectural, or aesthetic interest or value and designate a landmark site for each landmark;
  - (b) Designate as a historic district a contiguous area containing a number of sites, buildings, structures or features having a special character and historical, architectural, or aesthetic interest or value and constituting a distinct section of the Village; and
  - (c) Amend designations to add features or property to or from the site or district;
- (2) Upon designation, the property included in any such designation is subject to all the requirements of this Chapter.

**C. INITIATION OF DESIGNATION FOR INDIVIDUAL LANDMARKS AND HISTORIC DISTRICTS**

The designation of an individual landmark or historic district is legislative in nature, with the designation being by Resolution adopted by the Board of Trustees, based on a determination and recommendation made by the Architectural and Historic Review Board. Designations or amendments to an individual landmark or historic district may be initiated by:

- (a) Resolution of the Planning Board or the Architectural and Historic Review Board;
- (b) The application of all owners of the properties proposed for designation or their authorized agents; or
- (c) The application of a group of property owners, with the consent of a minimum of 25 percent of the properties which constitute building sites within the proposed historic district.

**(2) Architectural and Historic Review Board Hearing**

All resolutions and applications for consideration of properties for historic designation shall be referred to the Architectural and Historic Review Board. Upon receipt of a complete application, the Architectural and Historic Review Board shall call for a hearing. Such hearing shall be advertised at least once in a newspaper of general circulation in the village not less than seven days prior to such hearing, and notice thereof shall be served by certified mail postmarked at least seven days prior to the day of the public meeting upon the owner or owners of the proposed landmark or of the owners of the properties within the proposed historic district as shown by the current tax rolls of the village.

**(3) Criteria for Designation**

The Architectural and Historic Review Board shall determine whether the proposed designation conforms with the purposes and standards set forth in this chapter. The board shall adopt specific written findings and conclusions recommending that the application be approved, approved with modifications, or disapproved and shall forward said recommendation to the Board of Trustees.

**(4) Board of Trustees Resolution Designating Landmark or Historic District**

- (a) After receipt of a recommendation from the Architectural and Historic Review Board recommending approval of a proposed designation, amendment, or revocation of a landmark or historic district, the Board of Trustees shall consider the recommendation at a public meeting.
- (b) After the public meeting date prescribed by subparagraph (a) above, unless otherwise mutually agreed upon by the Board of Trustees, the applicant, and the owner, if other than the applicant, the Board of Trustees shall adopt specific written findings and conclusions. The findings and conclusions will address whether the designation meets

the purposes and standards set forth in this chapter, in balance with the goals and policies of the Dobbs Ferry Vision Plan. The Board of Trustees shall approve (with or without modifications), or disapprove the proposed designation.

(c) In each resolution designating a landmark or historic district, the Board of Trustees shall include a description of characteristics of the landmark or district justifying its designation, a description of the particular features that should be preserved, and the location and boundaries of the landmark site or district. The Board may also indicate alterations that would have a significant impact upon or be potentially detrimental to the landmark site or the district.

(d) When the Board of Trustees has designated a landmark or historic district, the Village Clerk shall promptly notify the owners of the property included therein and a copy of the designating ordinance shall be recorded in the Village Minutes, with a copy forwarded to the Village Clerk and Land Use Officer. Designated historic districts shall be noted on the Village Zoning Map and an indication of landmark designation shall be added to the property card for each property.

## **§300-11.7 LANDSCAPING**

### **A. PURPOSE**

This subsection is intended to ensure that appropriate landscaping is included as an integral part of new development in order to retain and increase property values and improve the environmental and aesthetic character of the Village.

### **B. APPLICABILITY**

This section shall apply to all applications subject to site plan review.

### **C. LANDSCAPE PLAN REQUIRED**

All development applications subject to this section shall be accompanied by a landscape plan meeting the requirements established by the Village. The landscape plans shall be submitted and reviewed as part of the site plan review process and the Architectural and Historic Review Board process.

### **D. GENERAL LANDSCAPING STANDARDS**

#### **(1) Guarantee of Installation**

Required landscape improvements shall be installed prior to issuance of a certificate of occupancy for all structures. However, if the landscaping is not able to be installed prior to a certificate of occupancy being issued due to winter weather or other site limitations, the property owner shall post a financial guarantee for the improvements equal to 115 percent of the cost of improvements so that the certificate can be issued. Installation of the landscape improvements shall then be completed before June 30 of the following year. This guarantee shall be released upon acceptance by the Village of the completed landscaping.

#### **(2) Types of Trees**

The types of indigenous trees, shrubbery and grasses shall be selected from a list maintained by the Tree Commission. Invasive species shall not be permitted.

### (3) Maintenance

Every property owner and any tenants shall maintain and keep their landscaped areas in a well-maintained, safe, clean, and attractive condition at all times. Such maintenance shall include, but is not limited to, the following:

- (a) Landscaped areas shall be kept free of trash, litter, weeds, and other such materials or plants not part of the landscape.
- (b) All live plant material shall be maintained in a healthy and growing condition, and must be replaced with live plant material of similar variety and size (size not to be smaller than the minimum required by this chapter at the time of replacement) if diseased, damaged, destroyed, or removed within two years of installation.
- (c) The property owner or tenants shall provide all regular and normal maintenance of landscaping including weeding, irrigation, fertilization, pruning, and mowing necessary to comply with this section.
- (d) Cleaning of abutting waterways and maintenance of landscaped areas in the public right-of-way adjacent to the property, unless such streets, waterways, or landscaped areas are expressly designed to be maintained by a designated governmental authority.
- (e) The property owner shall not use live plant materials that exhibit evidence of insect, pest, or disease, and shall appropriately treat any and all damaged plants, and shall remove and replace any and all dead plant material with living plant materials.

### (4) Failure to Maintain Landscaping

Failure to perform the required maintenance shall be considered a violation of this Zoning Ordinance, punishable under the procedures and penalties.

## §300-11.8 LOADING REQUIREMENTS

Any nonresidential use with a gross floor area of 20,000 square feet or more shall provide one off-street delivery/loading space. The space shall be sufficient in size to accommodate vehicles which will serve the use. The location of the delivery/loading space shall not block or obstruct any public street, parking area, parking area circulation, sidewalk or pedestrian circulation area and shall be screened according to conditions established by the Planning Board. The requirements related to loading spaces may be modified by the Planning Board if the property owner demonstrates that the use of the building does not require an off-street loading space and that the safety of pedestrians, motorists, and bicyclists is not impaired, and may be increased in the number of spaces required by the Planning Board if the Planning Board determines that there is evidence that the proposed use is of such a nature as to require more than one delivery/loading space.

## §300-11.9 NATURAL AND SCENIC RESOURCE PROTECTION

The purpose of this section is to protect and enhance the natural and man-made features that contribute significantly to the Village's scenic quality and character, including: varying topography and hillsides, floodplains, wetlands, significant trees, view corridors, and historic sites and areas.

**A. GENERAL SITE DESIGN GUIDELINES**

- (1) To the maximum extent practicable, where significant natural features or areas of historic or cultural value exist on a property or an adjacent property, an applicant shall give priority to their preservation by locating new development away from those features or areas;
- (2) Priority for protection shall be given to the features listed below. These features have not been listed in any order of significance. The relative significance of individual features shall be determined by the Planning Board:
  - (a) Slopes of greater than 25 percent;
  - (b) Views to the Hudson River and other significant view corridors;
  - (c) Mature trees, specimen trees, and significant stands of trees and vegetation;
  - (d) Floodplains, watercourses and natural drainage ways;
  - (e) Wetlands;
  - (f) Historic, cultural, or archeological sites, buildings, or areas recognized by the Village or another government agency as significant; and
  - (g) Other significant and/or unique features.
- (3) Land use and development shall be designed in a manner that preserves the natural topography of the site and minimizes the use of cut and fill, as determined by the Planning Board through the site review process.

~~(4) To the maximum extent practicable, where opportunities exist to connect or complete planned pedestrian connections such as trails or paths illustrated in the Vision Plan, Local Waterfront Revitalization Plan or other plans adopted by the Village, an applicant shall provide such facilities or reserve lands for the future construction of such facilities~~

**B. PEDESTRIAN CONNECTIONS**

To the maximum extent practicable, where opportunities exist to connect or complete planned pedestrian connections such as trails or paths illustrated in the Vision Plan, Local Waterfront Revitalization Plan or other plans adopted by the Village, an applicant shall provide such facilities or reserve lands for the future construction of such facilities.

**C. STEEP SLOPES (RELETTERED C THROUGH H)**

Development shall not be permitted in any area measuring 1500 square feet or more with a slope of 35 percent or greater, subject to the following exceptions:

- (1) The Board of Trustees' and the Planning Board's justification for allowing development and/or disturbance within areas of steep slopes, particularly on lots where it would otherwise be possible to avoid the steep sloped areas, should be the protection and/or preservation of other environmentally sensitive features or the reduction of adverse environmental impacts on neighboring properties, provided that;
- (2) In considering disturbance and development within steep sloped areas, the Board of Trustees and the Planning Board shall require the implementation of appropriate engineering methodologies to prevent slope instability, erosion, and/or sedimentation. See also Section 330-3.5(g)(3) on preservation of topography.

(3) The Board of Trustees and the Planning Board may allow a driveway to cross an area with a 35 percent or greater slope to facilitate access to a developable portion of a site when no other reasonable alternative exists.

(4) Building in areas with more than 25 percent slope or areas containing slide potential and other geotechnical hazards shall be avoided unless no alternative building site is available.

#### **D. VIEW PROTECTION (RELETTERED C THROUGH H)**

##### **(1) Purpose and Intent**

The Village of Dobbs Ferry finds that the natural landscape and visual quality of the community provides a sense of pride and individuality, setting it apart from other places. Special vistas, views and scenic areas contribute significantly to the quality of life, add to the value of property, and enhance the desirability and livability of the community. When development occurs on or in the vicinity of a well recognized landmark or outstanding view it can have a dramatic negative effect upon the general character of the community. As part of the Vision Plan process, the Village has identified significant scenic views and view corridors from selected viewing places throughout the community. Views to the Hudson River, from both public and private property, are particularly important and demand consideration in the review of development applications. The purpose of these standards are to preserve the scenic quality of these resources and thereby promote a high quality of life, preserve property values, and promote sustainable economic development by limiting development that would reduce their visual integrity and to insure that development does not block observation of a scenic view from delineated public viewing places.

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

These view protection standards and guidelines shall apply to all development within the Village subject to site plan review or review by the Architectural and Historic Review Board.

##### **(3) View Analysis**

###### **(a) Analysis Required**

Each development project with the potential to impact the visibility of the Hudson River or with the potential for visibility from any established viewing platform in the opinion of the Technical Advisory Committee or any board with review authority shall be subject to a view analysis. (For purposes of this subsection, “potential” is defined as capable of being seen from a viewing platform if trees or large shrubs are removed, significantly pruned, or impacted by construction.)

###### **(b) Analysis Methodology**

The applicant shall be required to demonstrate the visibility (or lack thereof) of the proposed development. Methods for demonstrating visibility may include scale drawings, photo simulations, scale models, or three-dimensional digital models. At the discretion of the Planning Board, the applicant may be required to install “story poles” or balloons to identify the proposed building envelope and height. When story poles or balloons are used, the applicant shall take photographs of the project from appropriate established viewing platforms that clearly show the story poles and/or house and subject property.

(c) **Locations of Viewing Platforms**

The locations of the public viewing platforms are established by the map included as Appendix E. The Planning Board shall have the ability to amend that map from time to time as necessary to add or remove locations.

(d) **Views from Other Locations**

While the focus of this subsection is on impacts to views from the established viewing platforms, the Planning Board and other reviewing boards shall consider impacts to views from private property as well in determining the overall impact on views of a development application.

(4) **Standards**

- (a) Visibility of a building or portion of a building from a viewing platform or other location shall not, in and of itself, be reason for denial of an application. However, the visual impact of buildings or portions of buildings that can be seen shall be mitigated to the maximum extent practicable by reducing the height of the building or moving the structure to another location on the site. Providing landscape screening is not an alternative to reducing building height or selecting a less visible site;
- (b) Existing natural features shall be retained to the maximum extent practicable and integrated into the development project. Site conditions such as existing topography, drainage courses, rock outcroppings, trees, significant vegetation, wildlife corridors, and important views will be considered as part of the site analysis and will be used to evaluate the proposed site design; and

~~(c) Building in areas with more than 25 percent slope or areas containing slide potential and other geotechnical hazards shall be avoided unless no alternative building site is available.~~

**E. TREE PROTECTION (RELETTERED C THROUGH H)**

(1) **Legislative Intent; Authority**

The Village of Dobbs Ferry finds that trees contribute in many ways to the health, safety and general welfare of all Dobbs Ferry citizens. Trees, in addition to their aesthetic benefits and temperature moderation, are of benefit to riparian habitat, wildlife, energy conservation and the ecology of the area. Trees protect surface water quality, provide shade, offer windbreaks, reduce soil erosion and flooding, offer a natural barrier to noise and enhance the beauty and appearance of the Village. Conversely, indiscriminate and excessive cutting of trees and damage to trees can result in barren and unsightly conditions, increase surface drainage problems, increase municipal expense to control drainage and impair the stability and value of developed and undeveloped property. Section 96-b of the General Municipal Law specifically empowers municipalities to provide for the protection and conservation of trees and related vegetation. The Village, having been given the authority pursuant to the Municipal Home Rule Law to amend or supersede provisions of state law relating to its property and affairs of government, intends by this section to promote the preservation of a healthy tree population throughout the community by means consistent with the reasonable use of private property. The Board of Trustees hereby amends the Village Code pursuant to the power vested in the Municipal Home Rule Law as follows.

(2) **Tree Protection Requirements**

(a) **Tree Protection Required**

The owner of any premises shall exercise all reasonable care to preserve all specimen trees, significant stands of trees, or rare or endangered trees on the site during the course of development or redevelopment. In the event any such tree is damaged to the extent that it may die in the opinion of the Land Use Officer, it shall be removed and replaced at the owner's cost and expense.

(b) **Financial Guarantee**

As a condition of site plan approval, and prior to the issuance of a building permit, the owner may be required to deposit a financial guarantee in cash with the Village in an amount deemed sufficient to replace all specimen trees, significant stands of trees, or rare or endangered trees on the site. In addition, an agreement must be executed authorizing the Village to use that sum for the purpose of replacing damaged or destroyed landscaping, if the plantings are not completed within a period of one year from the date of the issuance of the building permit. Any amount not so expended to be returned to the owner. Upon installation, all plantings are to be maintained and renewed by the owner as directed by the Land Use Officer.

(3) **Tree Removal Requirements**

(a) **Private Property; Undeveloped or Subdividable Lots**

No person shall cut down, kill or otherwise destroy or commit any act which may lead to the destruction or eventual destruction of any tree, as defined in 300-2, on any undeveloped or subdividable lot, unless said person shall have obtained approval pursuant to this Article.

(b) **Private Property; Developed Lot**

No person shall cut down, kill or otherwise destroy or commit any act which may lead to the destruction or eventual destruction of any protected tree, significant stand of trees or rare or endangered tree, as defined in 300-2, on any developed property, unless said person shall have obtained approval pursuant to this Article.

(c) **Nuisance**

Any tree or shrub growing on private property that is diseased or that is endangering or in any way may endanger the security or usefulness of a public street, public sewer or other public space shall be considered a public nuisance.

(d) **Powers of the Superintendent of Public Works**

Nothing in this Article will take away the powers of the Superintendent of Public Works dealing with public tree preservation. granted in §281-1 through §281-6 of the Village Code dealing with the public tree preservation.

**F. FLOODPLAINS (RELETTERED C THROUGH H)**

As part of a site plan review procedure, the Planning Board shall ensure that the requirements of state and federal floodplains regulatory provisions, as well as the local requirements of chapter 186 of the Code of the Village of Dobbs Ferry, are complied with where applicable, and shall take into account the presence of floodplains and other watercourses in the approval and assignment of conditions for approval of an application.

**G. WETLANDS (RELETTERED C THROUGH H)**

As part of a site plan review procedure, the Planning Board shall ensure that the requirements of state and federal wetlands regulatory provisions are complied with where applicable, and shall take into account the presence of any water features below the state and federal regulatory thresholds. In the case of wetlands greater than 4,000 square feet, the Planning Board is authorized to require a Mitigation Plan prepared by an Environmental Scientist and the Planning Board may impose minimum buffer areas between the proposed disturbance and the edge of the mapped wetland.

**H. HISTORIC, CULTURAL OR ARCHAEOLOGICAL SITES (RELETTERED C THROUGH H)**

As part of a site plan review procedure, the Planning Board shall consider the impact of any application on historic, cultural or archaeological sites or features designated by the Village of Dobbs Ferry as landmarks or within historic districts, or designated or eligible for designation on a state or federal register of historic places.

**§300-11.10 NON-CONFORMING LOTS, USES, BUILDINGS AND SIGNS**

**A. INTENT**

The regulations of this section govern nonconformities, which are lots, uses, buildings or signs that were lawfully established but, because of the adoption of new or amended regulations, no longer comply with one or more requirements of this Zoning Ordinance. In older communities, such as Dobbs Ferry, many buildings and uses that were established in compliance with all regulations in effect at the time of their establishment have been made nonconforming by zoning map changes (rezonings) or amendments to the Zoning Ordinance text. The regulations of this chapter are intended to clarify the effect of such nonconforming status and avoid confusion with illegal buildings and uses (those established in violation of zoning regulations). The regulations are also intended to:

- (1) Recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;
- (2) Promote maintenance, reuse and rehabilitation of existing buildings;
- (3) Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties or the community as a whole; and
- (4) Encourage the eventual elimination of nonconforming uses over time.

**B. DETERMINATION OF NONCONFORMITY STATUS**

The burden of proving that a nonconformity exists (as opposed to a violation of this Zoning Ordinance) rests with the subject landowner.

**C. AUTHORITY TO CONTINUE**

Except as otherwise provided in this Zoning Ordinance, a nonconformity may be continued in conformance with the standards of this chapter.

**D. MAINTENANCE AND RESTORATION**

- (1) Nonconformities must be maintained to be safe and in good repair. Incidental repairs and normal maintenance necessary to keep a nonconformity in sound condition are permitted, consistent with all permit or approval requirements of this chapter.
- (2) A nonconforming building or portion of a building may be restored when destroyed by fire, explosion, act of God, or act of the public enemy, subject to the provisions of (F), below.
- (3) A nonconforming use may be continued in a restored building or portion of a building destroyed by accidental fire, explosion, act of God, or act of the public enemy, subject to the provisions of (F), below.
- (4) Nothing in this chapter will prevent the structural strengthening or restoring to a safe condition of any building, structure, or component thereof declared unsafe by the Building Inspector.

**E. ALTERATION, ENLARGEMENT, OR EXTENSION OF NONCONFORMING USES**

- (1) The alteration, enlargement or extension of a nonconforming use must be approved pursuant to a special permit issued by the Zoning Board of Appeals.
- (2) The alteration, enlargement or extension of a building that is nonconforming only with respect to dimensional standards as specified in Appendix B “Dimensional Tables” shall not require a special permit, so long as the alteration, enlargement or extension conforms to all the requirements of this chapter.

**F. ABANDONMENT, DISCONTINUANCE OR REDUCTION**

- (1) Any nonconforming use that is abandoned for a period of 12 consecutive months shall not thereafter be resumed.
- (2) Any nonconforming use that is intentionally reduced in number, character or extent for a period of 12 consecutive months may thereafter be continued only to the extent of the nonconformity remaining after such reduction.
- (3) An owner aggrieved by a determination by the Land Use Officer that a use has been abandoned, discontinued or reduced may request an appeal of that decision to the Zoning Board of Appeals for good cause.

**G. NONCONFORMING SIGNS**

Nonconforming signs shall not be altered or replaced unless the alteration or replacement brings the sign(s) into conformity with this chapter. A change of lettering or text shall not constitute an alteration according to this provision. All signs existing prior to February 13, 2001, shall be exempt from the provisions of this chapter.

**§300-11.11 PARKING**

**A. PURPOSE**

This section is intended primarily to provide for the location and design of off-street parking areas to accommodate motor vehicles, while balancing the needs of pedestrians, bicyclists, and transit users. Parking areas are typically accessory to the principal land use on the site. Even in the case of a parking area that serves as the principal use on a lot, it is still secondary to the surrounding context that it is serving. As such, parking area design should reflect that

relationship, reducing the visual prominence of the parking area while emphasizing the primary buildings and orienting pedestrians toward the principal entranceways and walkways. Standards in this section addressing the location and design of parking areas are intended to meet this purpose. A secondary purpose of this section is to address the quantity of parking provided. Minimum standards are provided for each use type, with the amount of parking for special permit uses to be determined through the site plan review process. Flexibility is provided in meeting these parking standards through alternative parking provisions.

## **B. APPLICABILITY**

The parking requirements of this section shall apply to new development, expansions and increases in building size or density, and changes of use, as follows:

### **(1) New Development**

Unless otherwise expressly stated, the parking standards of this section apply to all new development.

### **(2) Expansions and Increases in Building Size or Density**

#### **(a) Nonresidential Uses**

- (i) Unless otherwise expressly stated, the parking standards of this section apply when an existing nonresidential building or nonresidential use is expanded or enlarged by 15% or more. This provision applies to the addition of floor area or seating capacity, whichever is used for establishing the off-street parking requirements for the use.
- (ii) In the case of nonresidential buildings or nonresidential uses that have been in lawful existence for 50 or more years, the parking standards of this chapter apply when the building or use is expanded or enlarged by 25% or more.
- (iii) If the expansion of a nonresidential building or use triggers requirements for additional parking, such additional off-street parking spaces are required only to serve the enlarged or expanded area, not the entire building or use.

#### **(b) Residential Uses**

The parking standards of this chapter apply whenever additional dwelling units are added to an existing parcel or to a newly created parcel. In all such cases, additional off-street parking is required only to serve the additional dwelling units. Existing off-street parking deficits are not required to be reduced or eliminated when additional dwelling units are added to an existing parcel. However, existing accessory parking may not be reduced to be less than, or if already less than, may not be reduced further below the minimum required parking standards set forth in Table C-1 Minimum Parking Standards. The intent of this provision is to ensure both that existing parking deficits in residential buildings are not increased as a result of additions and that existing deficits are not a deterrent to investment in existing properties.

### **(3) Change of Use**

- (a) When the use of a lot or building changes, additional off-street parking facilities must be provided when the number of parking or loading spaces required for the new use exceeds the number of spaces required for the use that most recently occupied the building, based on the minimum parking standards of this Zoning Ordinance. In other words, the owner must provide parking equal to

the difference between the parking requirement for the existing use and the parking requirement for the new non-residential use, not the difference between the actual existing parking and the parking requirement for the new non-residential use.

- (b) If the use of the building in which the change of use occurs has been in existence for 50 or more years, additional parking spaces must be provided only when the number of parking spaces required for the new use exceed by 25% or more the number of spaces that would have been required for the use that most recently occupied the building based on the minimum parking standards of this Zoning Ordinance. In such cases, additional parking spaces must be provided only in the amount by which the number of parking spaces required for the new nonresidential use exceeds 125% of the number of spaces that would have been required for the use that most recently occupied the building, in accordance with Table C-1 Minimum Parking Standards.

### **C. GENERAL REGULATIONS**

- (1) All off-street parking areas and driveways, except those serving one-family houses, must be constructed with a suitably paved surface. Both impervious paving and pervious paving, such as pavers, pervious asphalt, and similar surfaces which allow some percolation of storm water may be permitted. Loose gravel is not permitted.
- (2) The storage of merchandise, materials, equipment, refuse containers, obsolete or junk vehicles or the major repair of vehicles in public and private parking lots is prohibited.
- (3) Except for the purpose of making local deliveries or pickups, vehicles other than passenger vehicles may not be parked or stored in any residential zoning district.
- (4) All required parking spaces shall be suitably drained. No required parking space or loading space shall exceed a grade of five percent, unless specifically permitted by the Planning Board.
- (5) No required parking spaces shall be nearer than 10 feet to:
  - (a) The wall of any building, except a building that is served by the parking or loading spaces;
  - (b) A side or rear property line; or
  - (c) The boundary line of any adjoining areas zoned for residential use.
  - (d) A street curb line or edge of street paving, when there is no curb.
  - (e) Enclosed parking within primary and accessory buildings shall be exempt from this restriction.
- (6) Except for on-street parking that is permitted to satisfy parking requirements, no off-street parking spaces shall be located within a public right-of-way.

### **D. PARKING AREA DESIGN**

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

Off-street parking spaces must be located on the same lot as the use served except as allowed in the subsection H, *Alternative Parking Requirements*, below. Where practicable, parking should be located behind the front façade of the principal building on a lot.

**(2) Parking Dimensions**

Each off-street parking space for non-residential use shall measure a minimum of nine feet in width by 18 feet in length. Each off-street parking space for residential use shall measure a minimum of eight feet six inches in width by 18 feet in length. Accessible parking spaces shall meet standards of the Americans with Disabilities Act.

**(3) Parking Aisles**

The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements specified below, with varying aisle widths based on the angle of the parking stalls and the direction of traffic on the aisles.

<b>Parking Angle (Degrees)</b>	<b>One-Way Aisle Width (Feet)</b>	<b>Two-Way Aisle Width (Feet)</b>
90	24	24
60	18	22
45	13	20
30	12	20
0 (parallel)	12	20

**E. PARKING AREA LANDSCAPING**

**(1) Purpose**

Parking lot landscaping is intended to break up expanses of pavement, create shade, buffer views of parking lots from adjacent streets and buildings, and enhance the overall appearance of development projects.

**(2) Applicability**

All parking lots with 12 or more parking spaces in total or 8 or more spaces in a single row shall be subject to the requirements of this section.

**(3) Perimeter Landscaping**

- (a) The view of parking areas from all abutting streets must be visually screened by permitted buildings, fences, walls, hedges, or by a combination thereof. Each fence, wall or hedge shall be not less than 2.5 feet in height and not more than 4 feet in height. This screening requirement is not to be interpreted as prohibiting the installation of or provision for openings reasonably necessary for access drives and walkways.
- (b) Where a parking area is located adjacent to a residential use, residential zoning district, clubhouse, community center, place of worship, daycare, nursery school, educational use, hospital, or public park or open space, the screening requirement shall be met by a combination of building, fence, wall or hedge not less than 5 feet in height and not more than 6 feet in height. However, no fence or wall shall exceed the height limitations set forth under § 300-11.7.

**(4) Interior Landscaping**

All parking areas subject to this subsection shall include interior landscaping according to the following standards:

- (a) Landscaped islands with a minimum width of eight feet and surrounded by a minimum six inch curb shall be provided to direct the flow of traffic and to provide a place for shade trees to be planted.
- (b) At least one tree per ten spaces shall be provided within the parking lot. No more than 12 contiguous spaces shall be permitted in a row without a landscaped interruption of at least 5 feet including curbing.
- (c) Additional landscaping, including shrubs and ground cover, may be required by the Planning Board through the site review process.

**F. MINIMUM OFF-STREET PARKING STANDARDS**

**(1) Purpose**

The minimum parking standards are intended to lead to the creation of enough off-street parking to accommodate most of the demand for parking generated by the range of uses on a site, particularly in areas where sufficient on-street parking is not available. They are also intended to lead to the creation of enough parking on a site to prevent parking for nonresidential uses from encroaching into adjacent residential neighborhoods.

**(2) Uses Subject to Special Permit**

The actual amount of parking required for any use subject to special permit shall be established by the Planning Board and the decision-making body for the application.

**(3) Rules for Computing Minimum Parking Requirements**

- (a) Where a fractional space results, the number of parking spaces required is the closest whole number. A half space will be rounded down.
- (b) In the case of mixed uses, the number of parking spaces required is equal to the sum of the requirements for the various uses computed separately, except for reductions allowed under the subsection entitled "Alternatives to Minimum Parking Requirements," below.

**G. MINIMUM PARKING REQUIRED**

Off-street parking spaces shall be provided in accordance with Table C-1, *Minimum Parking Required*, except as modified by §300-11.13.H, *Alternative Parking Standards*, or as determined by the Planning Board during the Site Plan Review.

**H. ALTERNATIVE PARKING STANDARDS**

Properties located in nonresidential zoning districts are eligible for modifications to the parking requirements of Table C-1 per the following standards. In each case, an appropriate reduction in parking shall be determined by the Planning Board as part of the site review process, with the standards below provided as a guide. In some cases, additional parking reductions may be appropriate; in other cases, lesser reductions may be necessary in order to minimize impacts on surrounding properties and the Village as a whole.

**(1) On-Street Parking**

At the discretion of the Planning Board, the minimum required parking spaces required by Table C-1 ~~shall~~ may be reduced by one space for every 25 feet of linear building frontage abutting a public right-of-way (not including alleys) with legal on-street. A fractional space of 0.6 or greater shall equal a single public parking space. ~~This alternative shall not apply to property in residential zones.~~

## **(2) Cooperative Parking**

Cooperative parking represents an arrangement in which two or more uses provide their required off-street parking in the same parking lot, thereby reducing the number of individual parking lots and the number of curb cuts required to serve such lots. Reduced off-street parking requirements are available as an incentive for providing cooperative parking, and cooperative parking may be necessitated in some instances when new curb cuts are prohibited by other provisions of this Zoning Ordinance.

### **(a) Calculation of Cooperative Parking Reductions**

The Planning Board is authorized to approve an adjustment allowing a reduction in the number of off-street parking spaces required when multiple users provide their off-street parking in the same parking lot, as follows:

- (i) up to a 20% reduction may be approved when 4 or more commercial users are involved;
- (ii) up to a 15% reduction may be approved when 3 commercial users are involved; and
- (iii) up to a 10% reduction may be approved when 2 commercial users are involved.

### **(b) Location of Cooperative Parking Facility**

A use for which an application is being made for cooperative parking must be located within 1250 feet walking distance of the cooperative parking, measured from the entrance of the use to the nearest parking space within the cooperative parking lot, subject to adjustment by the Planning Board.

### **(c) Agreement**

An agreement providing for cooperative use of parking must be approved by the Village Attorney and filed with the Land Use Officer. Cooperative parking privileges shall continue in effect only as long as the agreement remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. In granting approvals for a use that will rely upon a cooperative parking agreement, the Planning Board may make the use contingent upon the agreement such that the permitted use would terminate if the agreement lapsed and alternative parking arrangements acceptable to the Planning Board could not be secured. If the agreement is no longer in force, all uses shall be considered non-conforming as to parking until additional parking is provided consistent with the standards of §300-11.13.

## **(3) Shared Parking**

Shared parking represents an arrangement in which two or more uses located on the same property with different peak parking demands (hours of operation) use the same off-street parking spaces to meet their off-street parking requirements.

### **(a) Shared Parking Reductions Criteria**

Shared parking may be eligible for a reduction in the total amount of required off-street parking, subject to the following criteria:

- (i) The provided parking serves uses with different hours of operation;
- (ii) All uses served by the shared parking are located within 1250 feet of the parking facility;

**(b) Calculation of Shared Parking Reduction**

The aggregate amount of parking required by Table C-1 for all uses sharing a parking facility may be reduced according to the standards below:

- (i) If an office use and a general sales and service use share parking, the parking requirement for the general sales and service use may be reduced by 20 percent, provided that the reduction shall not exceed the minimum parking requirement for the office use.
- (ii) If a residential use shares parking with a general sales and service use, the parking requirement for the residential use may be reduced by 30 percent, provided that the reduction shall not exceed the minimum parking requirement for the general sales and service use.
- (iii) If an office and a residential use share parking, the parking requirement for the residential use may be reduced by 50 percent, provided that the reduction shall not exceed the minimum parking requirement for the office use.
- (iv) If two uses that have different hours of operation (typically one requiring parking during daytime hours and one requiring parking during nighttime hours) share parking, the total parking provided must equal the standard for the use with the higher parking requirement. The applicant shall be required to demonstrate that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.

**(4) Payment in Lieu of Parking (PILOP) Program**

A payment-in-lieu of parking for development located within a downtown zoning district may be accepted by the Board of Trustees to satisfy the off-street parking requirement as long as the following standards are met:

**(a) Amount**

In developments where the off-street parking requirement may be provided via a payment in lieu, the applicant shall make a one-time only payment to the Village, in an amount established by the Board of Trustees per parking space. The fee is based on a review of cost studies and standards in other similar communities, balanced with an interest in providing both an attractive option to pursue PILOP and the need to provide a reasonable fee that allows for additional parking construction.

**(b) Time of Payment**

The payment-in-lieu of parking fee shall be due and payable prior to the issuance of a certificate of occupancy. All funds shall be collected by the Building Department and transferred to the Village Treasurer for deposit in a separate interest bearing account.

**(c) Use of Funds**

Monies in the account shall be used solely for the construction of a parking facility, transportation improvements including vehicle or station improvements, transportation demand management facilities or programs, shared automobiles or programs, improvements to pedestrian facilities to make the Village more walkable, and similar transportation or mobility-related facilities or programs.

**(d) Annual Review of Rate**

In order to insure that the payment-in-lieu rate is fair and represents current cost levels, it shall be reviewed annually.

**(e) Refunds**

- (i) Fees collected pursuant to this section may be returned to the owner of the property for which a fee was paid, including any interest earned if the fees have not been spent within seven years from the date fees were paid, unless the Village Board of Trustees shall have earmarked the funds for expenditure on a specific project, in which case the time period shall be extended by up to three more years.
- (ii) To obtain a refund, the present owner must submit a petition to the Village Treasurer within one year following the end of the seventh year from the date payment was received by the Village of Dobbs Ferry.
- (iii) For the purpose of this section, payments collected shall be deemed spent on the basis of the “first payment in” shall be the “first payment out.”

**(f) Cancellation**

Any payment made for a project for which a building permit is revoked or cancelled, prior to construction, may be refunded if a petition for refund is submitted to the Village Treasurer within three months of the date of the revocation or cancellation of the building permit. All petitions shall be accompanied by: A notarized, sworn statement that the petitioner is the current owner of the property; that the development shall not commence without full compliance with this Zoning Ordinance; and a copy of the dated receipt issued for payment of the fee.

**§300-11.12 SCREENING**

Screening or buffering may be required by the Planning Board and the Architectural and Historic Review Board through their respective processes in order to provide reasonable and necessary transitions or separations between uses.

**§300-11.13 SIGNS**

**A. INTENT**

The purpose of this section is to promote and protect the public health, safety and welfare by regulating existing and proposed outdoor signs of all types and certain indoor signs. It is

intended to protect property values and create a more attractive economic climate; to protect and enhance the physical appearance of the community and preserve its scenic, man-made and natural beauty, by ensuring the signage is appropriate to the character of Dobbs Ferry and its commercial districts; to reduce visual pollution; to reduce sign distractions and obstructions that may be created by signs projecting and obstructions that may contribute to traffic accidents; and to reduce hazards which may be created by inappropriately designed or located signs.

## **B. GENERAL STANDARDS**

### **(1) Permit Required**

Except as specifically exempted in Subsection C. below, no sign may be erected or displayed on a building facade, awning or on or within a window without first obtaining a sign permit from the Land Use Officer pursuant to the results of review by the Architectural and Historic Review Board, along with any other reviews required by this Chapter.

### **(2) Consistency with Village Character and Building Design**

- (a) The design, color, character, size and scale of signs shall be in keeping with and appropriate to the architectural design of the building or structure upon which the signs are placed, the design of the neighboring properties and adjacent signs and the character of the Village of Dobbs Ferry.
- (b) To the maximum extent practicable, signs should fit within the existing architectural features of the building façade.
- (c) Corrugated plastic, cintra board and cardboard are prohibited as sign materials. Wooden signs with painted or engraved letters are strongly encouraged.
- (d) Plastic or laminated signs must have a wood substrate or layer no thinner than ½ inch and no thicker than 2 inches and must be framed with wood or metal to protect the edges.
- (e) Signs must be affixed to the building exterior using brackets on all four corners to ensure proper stability and safety. Signs shall not be drilled directly into the wall through the sign surface or frame or glued to buildings.
- (f) No old sign may be re-purposed by removing or painting over letters or symbols.
- (g) Where a sign is removed, the business or property owner shall cover the sign location with a replacement sign similar in size to the former sign or by replacing materials consistent with the exterior materials of the façade.

### **(3) Advertisements**

No person, firm or corporation shall hang, place or cause to be placed any advertisement, placard or other notice (except legal notices), or paint or cause to be painted any advertisement or notice, on any post, pole, tree, fence or any other object in any public street, sidewalk or area in the village, except by permission granted by the Board of Trustees. Such permission, if granted, shall be under such conditions as may be required by the Board of Trustees in each particular case.

### **(4) Signs on Public Property**

Except where otherwise noted, no sign may be placed on public property by anyone other than the Village itself, without permission from the Village.

**(5) Exterior Lights (Dark Skies)**

Exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at the property lines and disabling glare at any location on or off the property.

- (a) All parking area lighting will be full cut-off type fixtures.
- (b) Uplighting is prohibited. Buildings, externally lit signs, displays, and aesthetic installations must be lit from the top and illuminated downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained to the target area. ~~Internally lighted signs are prohibited.~~
- (c) All building lighting for security or aesthetics will be full cut-off or a shielded type, not allowing any upward distribution of light. Floodlighting is discourage, and if used, must be shielded to prevent:
  - (i) Disabling glare for drivers or pedestrians;
  - (ii) Light trespass beyond the property line; and
  - (iii) Light above a 90-degree, horizontal plane.
- (d) Adjacent to residential property, no direct light source shall be visible at the property line at ground level or above.
- (e) All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security. Non-essential lighting could include display, aesthetic, parking and sign lighting.

**(6) Sign Maintenance**

All signs, together with all supports, braces, hoods, guys and anchors, shall be kept in good repair and shall be painted or cleaned as often as necessary to maintain a safe, and clean, neat and orderly appearance. The period for correction of disrepair shall not exceed 10 days from the date a notice of violation is issued to the violator by the Land Use Officer.

**(7) Sign Removal**

The Village of Dobbs Ferry may, with 30 days' prior written notice to the property and/or sign owner(s), remove sign(s) that are in violation of this section without further notice or further proceedings at the expense of the property and/or sign owner. The expense may be recovered by the Village in an action pursuant to this chapter that shall be instituted in the appropriate court having jurisdiction over this matter.

**(8) Removal of Abandoned Signs**

Abandoned signs must be removed by the business or property owner within 30 days after written notice has been received from the Land Use Officer.

**C. EXEMPT SIGNS**

The following types of signs may be erected and maintained without permits or fees, provided that they comply with the general and specific requirements of this chapter and the following standards:

- (1) Political signs.
- (2) All historical markers, tablets, memorial signs and plaques, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze,

stainless steel or similar material, and emblems installed by governmental bodies, religious or nonprofit organizations shall not exceed six square feet.

- (3) Nonilluminated warning, private drive, posted or "no trespassing" signs or the like that do not exceed two square feet.
- (4) Number and nameplates identifying residents by name, or residences by number, mounted on a house, apartment or mailbox that do not exceed two square feet in area.
- (5) Temporary signs for garage or tag sales that do not exceed four square feet in area and which may only be displayed between the hours of 7:00 a.m. and 7:00 p.m. on the day(s) of the event. Such signs shall be promptly removed at the end of the sale.
- (6) "Open house" and "for sale" signs.
  - (a) "Open house" signs on private property for sale or lease. In all residential districts "open house" signs advertising the sale or rental of the premises can only be displayed between the hours of 8:00 a.m. and 6:00 p.m. on the day of the event. Said signs cannot be larger in size than five square feet and must be located on the subject property not closer than five feet to any property line. Said signs shall be removed at the end of each day they are displayed.
  - (b) "Open House" signs on public property or private property other than property for sale. In all residential districts, for every open house, a maximum of two signs on public property, other than the property for sale or lease directing to or advertising the open house, will be permitted, subject to the same restrictions in (a) above.
  - (c) Temporary "for sale" signs. In all residential districts, only one temporary sign advertising the sale or rental of the premises can be displayed. Such signs cannot be larger in size than four square feet and must be located either on the front wall of a building or, if freestanding, then on the subject property not closer than ten feet to any property line.
  - (d) Directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, internally or externally illuminated.

#### **D. PROHIBITED SIGNS**

Except where otherwise provided, the following signs are prohibited:

- (1) Off-premises signs;
- (2) Signs located in windows above the first story of a building;
- (3) Roof signs;
- (4) Signs on side walls of midblock buildings;
- (5) Illuminated signs that cause glare on an adjacent property;
- (6) Freestanding signs, except in the DG and CP District;
- (7) Animated signs;
- (8) Illuminated flashing signs;

- (9) Inflated signs;
- (10) Tethered balloons;
- (11) Signs incorporating projected images;
- (12) Signs that emit smoke, vapors or particles, sound or colors; and
- (13) Signs located in or projecting over a roadway except those erected by a governmental body.

**E. NONCONFORMING SIGNS; AMORTIZATION**

(1) Nonconforming signs may not be altered or replaced unless the alteration or replacement brings the sign(s) into conformity with this chapter. A change of text or lettering shall not constitute an alteration according to this provision, but does require review and approval from the Architectural and Historic Review Board.

~~(2) No sign, whenever erected, existing within the Village of Dobbs Ferry prior to the effective date of this Chapter, shall continue to exist after June 1, 2011 (the "amortization date"), unless it is brought into compliance with the requirements of this Chapter prior thereto, except as provided in (3) below.~~

~~(3) The owner of any sign in compliance with the Village of Dobbs Ferry Code prior to the effective date shall have until June 1, 2013 (the "extended amortization date"), to remove any such sign if, prior to the amortization date, such owner submits an application to the Land Use Officer requesting the extended amortization date, together with documentation of the legal status of the sign at the time erected, in the form of a sign permit or other official authorization.~~

(2) Signs that are not lawfully preexisting (i.e., signs erected or changed without the benefit of a valid permit, Planning Board approval or a variance) ~~are not entitled to the benefits of such extended amortization and~~ must be brought into compliance with all the provisions of this article ~~prior to the amortization date~~. No ~~such~~ lawfully preexisting, nonconforming sign may be reestablished after it has been abandoned or discontinued for a period of 90 days or more.

**NO REVISIONS F THROUGH L AND NO REVISIONS TO § 300-11.14**

**ARTICLE 12: SITE PLAN AND SPECIAL PERMIT REVIEW**

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**§ 300-12.1 SITE PLAN REVIEW**

**A. WHEN REQUIRED**

- (1) Site plan review shall be required for all building permit applications that meet one or more of the following criteria:
  - (a) Excavation or filling involving more than 300 cubic feet of earth.
  - (b) The disturbance of more than 2,000 square feet of land.
  - (c) The construction of a new building with more than 500 square feet of floor area.
  - (d) The expansion of any existing building by more than 500 square feet of floor area.
  - (e) The expansion or reduction of an existing one or two family structure by more than 500 square feet, by more than ten feet horizontally, or by more than ten feet vertically.
  - (f) A change of use, as defined in Tables A-1, A-2, and A-3, of more than 1,000 square feet in an existing building.
- (2) The Planning Board and/or the Village Board of Trustees may waive the requirements of site plan review.

**A. REVIEW OF SITE PLAN APPLICATIONS BY THE BOARD OF TRUSTEES AND PLANNING BOARD**

- (1) The Board of Trustees shall be responsible for final review and approval of applications for site plan approval for the following zoning districts: (a) Waterfront A; (b) Waterfront B; (c) Chauncey Park; (d) Downtown; and (e) the Educational Institutional District.
- (2) The Land Use Officer shall refer all applications in these districts, as well as any application in another district involving at least one acre of land and/or any application that impacts at least one acre of land, to the Board of Trustees for site plan approval in accordance with this section. The Board of Trustees shall have final site plan approval authority for all applications set forth in 1(a) through 1(e) above, after referral to the Planning Board for recommendation. The Board of Trustees shall have the option to retain final site plan approval authority in all other districts if the site plan impacts, in any way, at least one acre of property. The Board of Trustees shall have thirty (30) days to decide whether it desires to retain final site plan approval in districts where a proposed site plan impacts at least one acre of property, after referral from the Land Use Officer. If the Board of Trustees decides not to be responsible for final review and approval of a site plan application, such review and approval shall become the responsibility of the Planning Board, subject to this section. The Planning Board shall be responsible for review and approval of site plan applications for properties not set forth in 1(a) through 1(e) above and where the Board of Trustees does not retain final site plan approval authority.
- (3) In considering applications for site plan approval in which the Board of Trustees is responsible for final review and approval of site plan, the Board of Trustees shall refer the application to the Planning Board, which shall make recommendations with regard to environmental impacts. The Planning Board shall recommend approval, approval with modifications or disapproval and the matter shall then be heard and determined by the Board of Trustees.

## C APPLICATIONS FOR SITE PLAN REVIEW

Each application shall be accompanied by the following:

- (1) Proof of ownership of the land to be subdivided, in a form approved by the Village Attorney, and authorization by the owner that the application may be submitted, if the applicant is not the owner.
- (2) The requisite number of copies of the Site Plan drawings and support documents.
- (3) A properly completed application form provided by the Land Use Officer and a filing fee in an amount as set from time to time by the Board of Trustees.
- ~~(4) A draft stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 263 of the Village of Dobbs Ferry Village Code shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in § 263-7 of the Village of Dobbs Ferry Code. The approved preliminary subdivision plat shall be consistent with the provisions of this chapter.~~
- (4) An Environmental Assessment Form (EAF) properly completed.
- (5) A Coastal Assessment Form (CAF) properly completed.
- (6) All additional submittal requirements cited in Appendix D.

## D. CRITERIA FOR APPROVAL

The Board of Trustees and/or the Planning Board shall evaluate each application for site plan based on the purposes and standards of this chapter, adopted design guidelines, and adopted plans, including the Vision Plan and the Local Waterfront Revitalization Plan, as well as the finding of the environmental quality review for the application. In addition, each application shall meet the following standards:

- (1) Siting of buildings and other improvements to the maximum extent practicable shall avoid environmentally sensitive areas and features, including rock outcrops, steep slopes and highly erodible soils. In the event that such environmentally sensitive features are present and will be altered or otherwise affected by the proposed building or other improvements, an erosion and sediment control plan shall be provided in supplement to the site plan and shall be subject to approval by the Board of Trustees and/or the Planning Board. The erosion and sediment control plan shall be prepared by a competent professional and shall be consistent with the provisions of the New York State Department of Environmental Conservation Manual for Erosion and Sediment Control as amended from time to time.
- (2) Siting of buildings and other improvements shall include adequate storm- and surface water drainage facilities on site to ensure no net increase in stormwater runoff from the site as a result of the proposed development. Roof leaders, etc., must be directed to appropriate drainage control structures on site and specifically may not be directed uncontrolled to Village streets.
- (3) Siting of buildings and other improvements shall provide for adequate screening and minimizing noise and lighting impacts upon surrounding property owners.
- (4) Siting of buildings, walkways, driveways, roads and other improvements shall provide for safe, adequate and convenient pedestrian and vehicular traffic circulation, both on the site and in the surrounding streets. Excessive grades in the design of roads and/or driveways shall be avoided.

- (5) Siting of buildings and other improvements shall minimize disturbance to open space and natural features located on publicly owned lands adjacent to the site, including, but not limited to, parkland, wildlife habitat and scenic views.
- (6) Buildings and other proposed improvements shall conform to the height, bulk and other requirements of this chapter, except as adjusted by variances granted by the Zoning Board of Appeals, or otherwise modified or waived by the Board of Trustees and/or the Planning Board.
- (7) A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 263 of the Village of Dobbs Ferry Village Code shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in § 263-7 of the Village of Dobbs Ferry Code.

#### **E. MODIFICATIONS AND WAIVERS**

In order to permit a site-specific plan that is equal to or better than the strict application of the standards of this Chapter, the Board of Trustees and/or the Planning Board may waive or modify applicable provisions of this Chapter, except as provided in **DE**, below, if, in its judgment, such waiver or modification will be consistent with the purpose of promoting the health, safety or general welfare of the community and the purposes of this chapter. The decision-making body shall set appropriate conditions on any modification or waiver.

#### **F. VARIANCES**

Except as provided in Subsection **DE** of this section, in any case where the site plan submitted by the applicant indicates that a variance will be required in order to use the premises as shown on the site plan, the applicant shall submit an application to the Zoning Board of Appeals simultaneously with the filing of the application for approval of the site plan with the Building Inspector. Upon adoption by the Zoning Board of Appeals of a resolution granting the application for the variance, after public hearing, said variance shall be deemed to be incorporated into the site plan submitted by the applicant. A copy of the action taken by the Board of Appeals shall be furnished to the Board of Trustees and/or the Planning Board.

#### **G. TIME FOR DECISION**

The Board of Trustees and/or the Planning Board shall grant, deny, grant subject to conditions, or make a recommendations in accordance with applicable law, subject to such extensions of time as may be required to obtain further information, to complete the environmental quality review process, complete required reviews, or for the applicant to submit amendments to the application. Any decision shall contain written findings explaining the rationale for the decision in light of the criteria specified at §300-12.1.C **and D** above.

#### **H. PROCEDURES FOLLOWING SITE PLAN**

- (1) Within 180 days after receiving approval of a site plan, with or without modifications, the applicant shall submit three copies of the site plan to the Board of Trustees and/or the Planning Board for stamping and signing. This time frame may be extended for a maximum of two (2) ninety (90) day periods.
- (2) The site plan submitted for stamping shall conform strictly to the site plan approved by the Board of Trustees and/or the Board of Trustees, except that it shall further incorporate any required revisions or other modifications and shall be accompanied by the following additional information:
  - (a) Record of application for and approval status of all necessary permits from federal, state, and county officials.

- (b) Detailed sizing and final material specification of all required improvements.
  - (c) An estimated project construction schedule. If a performance guaranty is to be provided by the applicant for all or some portion of the work, a detailed cost estimate shall be included.
  - (d) Proof of payment of the costs of consultants retained by the Village for review.
- (3) Upon stamping and signing the site plan ~~or subdivision plat~~, the Board of Trustees and/or the Planning Board shall forward a copy of the approved site plan or subdivision to the Land Use Officer and the applicant. Once the site plan is duly filed in the Office of the Westchester County Clerk Land Records, the Land Use Officer may then issue a building permit or certificate of occupancy, provided that the project conforms to all other applicable requirements.

**I. PERFORMANCE GUARANTY**

No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guaranty has been posted for improvements not yet completed. The performance guaranty shall be posted in accordance with the procedures specified in Village Law §7-725a or §7-730, as applicable. The amount and sufficiency of such performance guaranty shall be determined by the Land Use Officer. The amount of such guaranty shall be in the form of 95% surety and 5% cash.

**J. RESERVATION OF PARKLAND**

(1) **Findings**

- (a) The provision of adequate park and recreational facilities for both active and passive recreational pursuits by existing and future residents of the Village is necessary and appropriate to their health, safety and well being. ~~of the residents of the Village.~~
- (b) New residential development may create additional demand for both active and passive recreational facilities and areas and new facilities and areas for recreation will need to be established to meet the growing and increased needs of residents for each new dwelling unit constructed in the Village.
- (c) It is fair and appropriate that the developers and owners of new residential developments and units be responsible for addressing the impact of their project on the recreational facilities in the Village from both an operational and capital perspective.

(2) **Dedication and Reservation of Parks and Open Space**

In order to meet the new demand on recreational facilities, land suitable for recreational and park use by the residents of the Village of Dobbs Ferry shall be required for each new dwelling unit. If the Board of Trustees and/or the Planning Board finds that no suitable parkland exists as part of the site plan and/or subdivision, a payment in lieu of parkland shall be required for each new dwelling unit constructed in accordance with the Village of Dobbs Ferry Code.

(3) **Disposition of Funds**

Any monies required by the Village for park, playground or other recreational purposes, pursuant to the provisions of this section and any other provision of the Village of Dobbs Ferry Code, shall be deposited in the Village trust fund to be used by the Village exclusively for park,

playground or other recreational purposes, including the acquisition of property. Such payment shall be a condition of site plan and/or subdivision approval and shall be assessed in accordance with the recreation fee schedule established under Chapter 175, fees in the Village Code or other relevant fee established by the Board of Trustees in conjunction with the site specific findings made by the Board of Trustees. For homes in a site plan and/or subdivision, no certificate of occupancy shall be granted by the Village unless such payment has been received. A note so stating shall be affixed to the site plan or subdivision plat filed with the Westchester County Clerk's office (Division of Land Records). When deemed appropriate by the Board of Trustees, the payment of recreation fees may be required prior to the issuance of a building permit for the project.

## **§ 300-12.2 SPECIAL USE PERMITS**

### **A. APPLICABILITY**

All applications for special permits shall be referred to the Planning Board for decision, except that, in accordance with §300-7.1 B, any application to alter, enlarge or extend a nonconforming site, structure or sign shall be referred to the Zoning Board of Appeals for decision.

### **B. CRITERIA FOR APPROVAL**

In authorizing the issuance of a special permit, the reviewing board shall take into consideration the public health, safety and welfare and the purposes of this chapter. In addition, each special permit use shall be:

- (1) Consistent with the use-specific standards provided in Article 13 of this chapter; if applicable;
- (2) Consistent with the adopted guidelines, the Vision Plan, and the Local Waterfront Revitalization Plan and the findings of the environmental quality review, if applicable;
- (3) Of such character, size and location that it will be in harmony with the orderly development of the area and will not be detrimental to the orderly development of adjacent districts;
- (4) Located as so not to impair the use, enjoyment and value of adjacent residential properties and be of such nature as not to create undue traffic hazards or need for parking facilities or be hazardous or detrimental to the prevailing residential character of the neighborhood.; and

### **C. TIME FOR DECISION**

The Planning Board and/or Zoning Board of Appeals shall approve, approve subject to conditions and/or modifications, or deny the application in accordance with applicable law, subject to such extensions of time as may be required to obtain further information, to complete the environmental quality review process, or for the applicant to submit amendments to the application. Any decision shall contain written findings explaining the rationale for the decision in light of the criteria specified at B above within 30 days of any decision of said Board.

### **D. POST-APPROVAL PROCEDURE**

If the application for which the Special Permit was granted requires additional approvals pursuant to this chapter, the board shall refer the Special Permit application together with a resolution detailing the conditions of approval to the appropriate agency. If the Special Permit

application does not require additional approvals, the board shall refer the application together with a resolution detailing the conditions of approval to the Land Use Officer.

#### **E. TIME LIMITS**

In granting a Special Permit, the approving agency may impose time frames and/or time limits on the special permit either stipulating the date and time upon which the special permit expires or setting forth the requirements for an extension of the Special Permit. The approving agency, if it so deems it to be necessary may also stipulate the details, conditions and requirements for renewal.

### **ARTICLE 13 USE STANDARDS**

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#### **§ 300-13.1 USE-SPECIFIC STANDARDS**

##### **A. ACCESSORY BUILDINGS**

- (1) Accessory buildings shall be located no less than the required front yard setback for the applicable zoning district from any street line or five feet from any side or rear lot line, except that party wall private garages for not more than two cars may be erected in any residence district across a side lot line between two adjacent lots.
- (2) No accessory building shall be located nearer the front lot line than the principal building to which it is accessory
- (3) No accessory building shall exceed a height of 20 feet or one and one-half stories in height.
- (4) Accessory buildings shall complement the principal building in terms of materials, roof form, and architectural detailing
- (5) In residential zoning districts, garages for the storage of noncommercial motor vehicles may be incorporated as a part of a residential building or located in an accessory building on the following conditions:
  - (a) In a one-family zoning district, a garage may provide for the storage of one motor vehicle for each 2,500 square feet of lot area, up to a maximum of four motor vehicles.
  - (b) In the MDR zoning districts, a garage may provide for the storage of one motor for each 1,500 square feet of lot area, up to a maximum of four motor vehicles.

##### **B. ADULT USES**

It is recognized that there are some adult uses which have serious objectionable operational characteristics, particularly when located in close proximity to residential neighborhoods and other sensitive land uses. The objectionable characteristics of these uses are further heightened by their concentration in any one area, thereby having deleterious effects on adjacent neighbors. The special regulations deemed necessary to control the undesirable secondary effects arising from these enterprises are set forth below. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods and important natural and human resources of the Village; to deter the spread of blight; and to protect minors from objectionable characteristics of these adult uses by restricting their proximity to residential neighborhoods, religious uses, schools, nursery schools, day-care centers, educational institutions, parks, historic and scenic resources, and civic or other cultural facilities:

- (1) No adult use shall be permitted in a building any part of which is used for residential purposes, including non-conforming residential uses.
- (2) No more than one adult use shall be permitted in any building or on any lot.
- (3) The exterior of the adult use structure shall be consistent with the character of the surrounding structures and shall not detract from the appearance of the neighborhood.
- (4) An adult use shall not be located within 750 linear feet from any residential zoning district or existing residential use, religious use, school, nursery school, day-care center, educational institution, park, historic and scenic resource, and civic or other cultural building, or another adult use. Distance shall be measured in a straight line from the closest structural wall of such adult use to the closest property boundary of such residential use, religious use, school, nursery school, day-care center, educational institution, park, historic and scenic resource and civic/cultural building.

### **C. AUTO-RELATED USES**

Auto-related uses shall:

- (1) Be located within the DG zone, be at least 200 feet from any residential zoning district, existing residential use, or civic or institutional building, and require a special permit;
- (2) Be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements;
- (3) Conduct any vehicle repair or storage within an enclosed building. Temporary vehicle storage may be allowed in an outdoor storage area that shall be no larger than 25% of the total lot area. Such areas shall be located to the rear of the principal structure and be suitably screened. The height of materials and equipment stored shall not exceed the height of the screening fence or wall;
- (4) Have no outdoor speaker or public address system which is audible off-site;
- (5) Not park or store a vehicle as a source of parts, or park or store a vehicle for the purpose of sale or lease/rent.

### **D. BED AND BREAKFAST**

Bed and breakfasts shall:

- (1) Have the owner-operator residing on or adjacent to the premises;
- (2) Be limited to a maximum of six guest rooms;
- (3) Not include cooking facilities in guest rooms, including but not limited to stoves, grills, or ovens.
- (4) Limit meal service to breakfast for paying guests;
- (5) Limit exterior alterations to those necessary to assure safety of the structure or enhance compatibility of the bed and breakfast with the surrounding neighborhood; and
- (6) Limit advertising signage to one on-site sign with a maximum of nine square feet in area and a maximum of four feet in height as measured from the top of the sign.

**E. CLUBHOUSES, COMMUNITY CENTERS AND PLACES OF WORSHIP**

- (1) Any such use of 1,500 square feet or greater floor area requires a special permit and shall be located on a parcel or site that fronts on an arterial or connector road, as defined by the Vision Plan.
- (2) A day care center, senior center elementary or secondary school associated with and located on the same parcel as a place of worship shall be considered a second principal use and requires approval as such.
- (3) The Village Board of Trustees shall have the authority to grant modifications to any of the standards listed in this section in order to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000 (42 U.S.C. Sec. 2000), as amended.

**F. CLUSTERED DEVELOPMENT**

**(1) Purpose**

The purpose of this subsection is to facilitate new residential cluster development and to:

- (a) Encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography;
- (b) Provide incentives for projects that meet community goals, including but not limited to open space protection, connectivity and circulation, affordable housing, green building, and public gathering spaces and recreation opportunities;
- (c) Protect environmentally sensitive areas of a development site and preserve open space and natural features permanently;
- (d) Promote cost savings in infrastructure installation and maintenance by techniques such as reducing the distance over which streets and utilities, such as sewer and water lines, must be run;
- (e) Promote a variety of dwelling unit sizes and types; and
- (f) With respect to density bonuses, the intent is to maximize **open** space.

**(2) Applicability**

The tables in Appendix A establish the zoning districts where cluster development is allowed as a permitted use.

**(3) Permitted Uses**

The appropriate mix of uses within a cluster development shall be determined by the Planning Board and/or Board of Trustees through the site plan review process. At a minimum, all principal and accessory uses authorized in the OF zoning district shall be allowed within a cluster development. The approving body, as part of the required site plan review, may permit additional uses, including but not limited to: attached and multi-family housing, civic and institutional uses, and limited commercial uses such as neighborhood serving retail sales and service uses. In approving such additional uses, the approving body shall make specific findings as to the consistency of the uses to the purposes of this Chapter and to the protection of the health, safety and welfare of the Village.

**(4) Base Dimensional Standards**

- (a) The dimensional standards of the underlying zoning district shall serve as the base standards for the district.

- (b) Modifications to the base standards shall be approved as part of the required site plan review.
- (c) A deed restriction shall be included in the deed for each property filed with the Westchester County Clerk prohibiting future development on the open space parcel(s) and a notation mirroring the deed restriction shall be included on the filed plat.
- (d) Open space parcel(s) provided by a clustered development may be conveyed in one of the following ways:
  - (i) To the Village of Dobbs Ferry, subject to approval by the Board of Trustees, for use as park, open space, or other specified uses for public benefit. The Land Use Officer, with assistance from the Conservation Advisory Board, shall monitor such parcels to ensure that any land conveyed to the Village pursuant to this section shall be maintained according to general standards of conservation practice (e.g, documentation of baseline conditions, regular monitoring, and the enforcement of any terms of the deed restriction or other legal requirements); or
  - (ii) To a nonprofit organization whose principal purpose is the conservation of open space; or
  - (iii) To a homeowners association, corporation or trust owned or to be owned by the owners of lots or dwelling units within the residential cluster development. If such a corporation or trust is used, ownership shall pass with the conveyances of the lots or dwelling units.

(e) **Density Bonuses**

- (i) Except as provided in clause (ii) below, the maximum number of dwelling units proposed for a residential cluster development shall not exceed the number of dwelling units otherwise permitted for the tract by the standards of the underlying zoning district.
- (ii) In order to further the objectives of the Vision Plan, the Board of Trustees and/or the Planning Board may provide density bonuses in accordance with this subsection in exchange for an applicant providing one or more of the following facilities or amenities:
  - A.** Protection of open space areas;
  - B.** Protection and/or rehabilitation of historic buildings, structures, archaeological sites, or other resources recognized as eligible for listing on the State or National Register of Historic Places or as a local landmark;
  - C.** Provision of affordable housing units in excess of the requirements of Article 7 of this Zoning Ordinance;
  - D.** Design of the development to qualify for LEED Certification as defined by the U.S. Green Building Council; and
  - E.** Maximizing and facilitating public ingress, egress, access to and enjoyment of the open space parcel associated with the residential cluster development by providing linkages such as trails and bicycle/pedestrian paths between the open space and the rest of the Village.

- (iii) For applicants who provide or make provision for amenities and facilities listed in (ii), above, the Board of Trustees and/or the Planning Board may, at its discretion, award bonuses by increasing the density of the underlying zoning district up to a maximum of 20 percent. A bonus awarded under this provision may be in any increment between zero (0) percent and twenty (20) percent in proportion to the degree to which the proposed amenities confer benefits identified in (ii), above, and shall be computed by reducing the minimum size of plot per family by the amount of the bonus. For example, if a bonus of 10 percent were allowed, permissible density would be calculated based on a reduction of the minimum lot per family from 2,500 square feet to 2,250 square feet. The bonus permitted under this section is a bonus in permissible density only, and does not authorize any enlargement of the permissible bulk or lot coverage of buildings to be constructed.
- (iv) In awarding a density bonus under this subsection, the Board of Trustees and/or the Planning Board shall make specific findings that set forth in detail the amenities to be provided by the applicant, how those amenities further the purposes of the Vision Plan, and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and historic qualities and features of the district and the Village for the maximum benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community. The findings shall also set forth in detail the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus.
- (v) Development applications for residential density in excess of the maximum density available under these provisions shall seek a rezoning to a more intensive zoning district. In such case, any rezoning shall continue to require the new development to meet the cluster development standards of this section, modified for the more intensive base density.

## **G. DORMITORY**

### **A Dormitory shall:**

- (1) Be located only in an EI zoning district.
- (2) Be under the direct management and administration of an educational facility.
- (3) All residents in a dormitory shall be matriculated students at the educational facility responsible for the management of the dormitory, except that representatives of the educational facility may also be residents of the dormitory for the sole purpose of supervising the resident students at a ratio not to exceed one resident supervisor per 12 students.
- (4) Dormitories shall require a Special Permit issued by the Planning Board.

#### **H. ENTERTAINMENT OR RECREATION USES, OUTDOOR**

- (1) All outdoor activity areas must be set back and separated from other uses or surrounding properties by distance, landscaping and/or screening as deemed appropriate for the intensity of the use.
- (2) No such use shall operate between the hours of 11pm and 8am.

#### **I. GENERAL SALES OR SERVICE**

- (1) In the DB district, no general sales or service use shall exceed 10,000 square feet in floor area.
- (2) In the DT district, no general sales or service use shall exceed 5,000 square feet in floor area.
- (3) In the MDR-1 and MDR-2 district, no general sales or service use or office use shall exceed 1,500 square feet in floor area.

#### **J. GROUP HOME**

In furtherance of the policy of the State of New York to deinstitutionalize those persons who cannot be cared for in their natural homes by placing them in small, dispersed group homes which are designed to give an outwardly similar appearance to other one-family dwellings, the following regulations shall apply:

- (1) Each home shall be operated or sponsored by a public social service agency or nonprofit agency, authorized by the New York State Department of Social Services.
- (2) Each home shall have a maximum occupancy of 6 persons, excluding full-time sleep-in householder(s).
- (3) Each home shall be set up in size, appearance and structure to bear the general character of a family unit in a relatively permanent household. As such, it shall not permit transients or transient living.
- (4) Each home shall conform to and shall be maintained in accordance with the overall character and appearance of the surrounding neighborhood. No sign that advertises the use or occupancy of said home shall be erected.
- (5) Each applicant for a special permit for an agency group home shall submit the following information to the Planning Board:
  - (a) The governmental authorization to operate said facility.
  - (b) A complete statement of the proposed number, age and permanency of residence of the persons to be cared for, and the number and qualifications of both resident and nonresident adult supervisory personnel.
- (6) Any change in the nature or type of the operation of any approved group home shall be subject to a complete new application for a special permit, in accordance with the same standards and procedures as required for the original application.

#### **K. HOME-BASED BUSINESS**

- (1) Any business or activity carried out for gain by a resident shall be conducted entirely within the dwelling unit and shall be clearly incidental to the use of the structure as a dwelling.
- (2) The exterior of the dwelling as well as the site shall maintain a residential appearance with no overt differentiation from the exterior as to which portion of the dwelling is being used in connection with the home-based business.

- (3) There shall be no storage of equipment or supplies associated with the home-based business outside the dwelling.
- (4) There shall be no display of products visible in any manner from the outside of the dwelling, except that one non-illuminated nameplate not to exceed two square feet in area mounted flat against the dwelling shall be permitted.
- (5) For those home-based businesses in which instruction or meetings are required, no more than three pupils, employees, visitors, clients and customers shall be permitted on site at one time.
- (6) In the event that adequate on-street parking adjacent to the property is not available, the Planning Board may require that off-street parking spaces be provided on the premises but in no event shall more than three spaces in addition to those required to comply with the requirements of Table C-1 for the residential use be permitted. Parking shall adhere to all requirements of this chapter for off-street parking in the district in which the use is located.
- (7) No equipment shall be used or process conducted which creates noise, vibration, glare, fumes or odors detectable to the normal senses at the boundary line of the premises.
- (8) No home-based business shall be conducted between the hours of 7:00 PM and 9:00 AM.
- (9) No home business shall exceed twenty five (25) % of the square footage of the home.
- (10) There shall be no pick-ups or deliveries other than regular mail, commercial mail service, and next-day courier service.

#### **L. HOME OCCUPATION**

Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, with not more than one nonresident assistant working at the same time, with no retail sales of products produced off the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, does not have any exterior evidence of that secondary use other than a permitted nameplate, does not involve the use of other than customary home appliances and equipment and does not involve the keeping of a stock in trade. The conducting of a clinic, hospital, barbershop, beauty parlor, tea room, bed and breakfast, animal hospital or raising of animals, or any similar use, shall not be deemed to be a home occupation.

#### **M. HOTELS AND INNS**

- (1) Access to a minimum of 90 percent of guest rooms shall be from the interior of the building through a lobby providing security. Facilities with more than 10 percent of the guest rooms accessed from the exterior shall be considered to be motels.
- (2) Hotels and inns shall address the local needs of the community providing accommodations for heritage travelers, visitors to local schools, people attending to patients at the Dobbs Ferry Hospital, and guests, relatives, and friends visiting local residents or attending local events. This is to differentiate the character of the facility from one intended primarily to serve business travelers and transients, or to provide for extended stays.
- (3) Arrangements with providers of housing for the homeless, indigents, or people dependent upon social services shall not be permitted.

- (4) Guest rooms shall not include cooking facilities including but not limited to stoves, grills, or ovens.
- (5) Hotels and inns may include restaurants, bars, boutiques, banquet rooms, meeting rooms, exercise areas, a swimming pool, and other facilities intended primarily to serve the guests.

#### **N. PRIVATE SWIMMING POOLS**

- (1) Swimming pools shall meet the construction, fencing, and other safety requirements of all applicable State and local building codes.
- (2) A bathhouse or cabana serving a household swimming pool shall be permitted provided it meets the setback and other dimensional requirements for accessory sheds and garages in the district in which it is located.

#### **O. OFF-STREET PARKING**

Off-street parking as a principal or accessory use shall:

- (1) Be the principal use on the lot. Parking spaces may be rented for parking. No other business of any kind shall be conducted on the lot, including repair service, washing, display, or storage of vehicles or other goods;
- (2) Not be located in a one-family residential, MF or MDR zoning districts;
- (3) Not have frontage along Main Street or Cedar Street in the DB or DT districts, except to allow access by a driveway no more than 18 feet wide to a parking area primarily screened from view by permitted buildings; and
- (4) Comply with all applicable standards for landscaping in §300-11.9 and parking lot design and landscaping in §300-11.11.

#### **P. TEMPORARY USES AND STRUCTURES**

A temporary use or structure may be approved subject to the following general standards:

- (1) The temporary use or structure must not have adverse impacts on nearby properties;
- (2) The temporary use or structure must not result in permanent alterations to the site.
- (3) Unless otherwise stated in the terms of the permit, the temporary use must cease to operate 30 days after approval of the permit.
- (4) All temporary signs associated with the temporary use or structure must be removed when the activity ends.
- (5) If the property is undeveloped, it must contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic movement that may be associated with the temporary use.
- (6) Temporary structures must be located so as not to interfere with the normal operations of any permanent use located on the property.
- (7) A temporary use is not permitted unless sufficient off-street parking is adequate to accommodate anticipated parking needs associated with the temporary use.

#### **Q. WATER-RELATED RECREATION FACILITIES**

Mooring, docking, or launching of motorized and non-motorized watercraft shall be in full compliance with the following conditions:

- (1) The Village Board, on recommendation of the Planning Board, may authorize the maintenance and use of one or more suitably-sized motorized watercraft and appropriate docking facilities for up to 72 hours as part of a special permit approving a use listed in §300-12.2; and
- (2) Specific findings must be made as part of the approval that the availability of such watercraft is an important safety measure.
- (3) Jet skis are prohibited.
- (4) Habitation on watercraft designed for such use shall be limited to 72 hours within any seven day period. Habitation is not permitted on watercraft that is not specifically designed for such.
- (5) Compliance with the requirements of all authorities having jurisdiction.

**ARTICLE 14: SUBDIVISION OF LAND**

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**§300-14.1. DEFINITIONS**

As used in this chapter, the following terms shall have the meanings indicated:

**BOARD**

The Planning Board.

**CLERK**

The Village Clerk of the Village of Dobbs Ferry.

**DEAD-END STREET**

A street open or connecting with another street at one end only.

**FINAL CONSTRUCTION PLAN**

The final plan showing the location, in plan and profile, of all details of construction of a subdivision, prepared in accordance with Board approval.

**FINAL PLAT**

The final drawings of the layout of a subdivision, prepared in accordance with Board approval.

**LOT**

A parcel or plot of land occupied or designed to be occupied by one principal building and its accessory buildings, if any, including such yards or open spaces as are arranged or designed to be used in connection with such buildings.

**MASTER PLAN**

A comprehensive plan prepared by the Planning Board pursuant to § 7-722 of the Village Law, including the Vision Plan, which indicates the general locations recommended for the various functional classes of public works, places and structures and the general physical development of the village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

**OFFICIAL MAP**

The map established by the Board of Trustees pursuant to § 7-724 of the Village Law showing all the streets, highways and parks theretofore laid out, adopted and established by, and any amendment thereto adopted by, the Board of Trustees, or additions thereto

resulting from the approval of subdivision final plats by the Planning Board or Board of Trustees and the recording thereof in the Westchester County Clerk's office.

**PLAT**

A map or plan showing the division of any parcel of land into two or more lots, blocks, sites or other subdivisions of land.

**PRELIMINARY CONSTRUCTION PLAN**

A plan showing the proposed location, in plan and profile, of all details of construction of a subdivision.

**PRELIMINARY PLAT**

The preliminary drawings showing the proposed layout of a subdivision.

**RESUBDIVISION**

Any change of existing property lines or of property lines shown on a plat filed in the office of the County Clerk.

**SUBDIVIDER**

The owner of land to be subdivided or his authorized agent.

**SUBDIVISION**

The division of any parcel of land into two or more lots, plots, sites or other divisions of land, including resubdivision as defined herein.

**VILLAGE LAW**

The Village Law of the State of New York.

**§300-14.2. GENERAL PROVISIONS**

**A. APPROVAL AUTHORITY**

- (1) The Planning Board shall have the following powers:
  - (a) Authority to approve plats showing lots, blocks or sites, with or without streets or highways, pursuant to the provisions of §§ 7-728, 7-730 and 7-732 of the Village Law, and simultaneously therewith to confirm the zoning regulations of the land so platted as shown on the Zoning Map of the village.
  - (b) Authority to approve the development of plats entirely or partially undeveloped and which have been filed in the Westchester County Clerk's office prior to the appointment of the Planning Board and the grant to such board of the power to approve plats, pursuant to the provisions of §§ 7-728 and 7-730 of the Village Law.
- (2) Pursuant to § 7-728 of the Village Law, the Clerk shall, upon the adoption of this section and any amendments thereto, immediately file certificates thereof with the Clerk of Westchester County.

**B. PARKLAND ISSUES**

All lots that are created and/or subdivided shall be subject to an assessment of a recreation fee as determined by the Village Board of Trustees and/or Planning Board. The Village Board of Trustees hereby finds that the provisions of Article 12 related to parkland shall apply equally to lots that are subdivided.

**C. SITE PLAN**

Site plan review, as described in Article 12, is required for most properties proposed for development in the Village of Dobbs Ferry, including single family homes. The Planning Board and the applicant may agree to conduct a single site plan review for the proposed subdivision or for a phase of the subdivision to avoid the duplication of efforts and the segmentation of the site plan review process. This agreement may allow the site plan review to be concurrent with the subdivision review or to follow completion of the subdivision approval. The Board of Trustees may have site plan authority over said plans.

**§300-14.3. RESERVED ADOPTION OF REGULATIONS**

~~The subdivision regulations hereinafter contained have been adopted by the Planning Board, after notice and hearing, in respect to those subdivisions over which it has jurisdiction. The Board Of Trustees hereby approves these regulations for such purposes and also adopts them, after notice and hearing, in respect to those subdivisions over which it has determined or will determine to act as a Planning Board~~

**§300-14.4. PAYMENT OF TAXES REQUIRED**

No application for subdivision approval of premises shall be considered, and no informal conference or preliminary review in relation thereto shall be conducted, unless and until all amounts due the village as real estate taxes and special assessments on said premises, together with all penalties and interest thereon, shall have been paid.

**§300-14.5. GENERAL STANDARDS AND REQUIREMENTS FOR PARKS OR PLAYGROUNDS**

- A.** Adequate, convenient and suitable areas for parks or playgrounds or other recreational purposes shall be set aside in the subdivision and to be dedicated to the village. No arbitrary percentage of area is prescribed by the Board, but, in general, subdividers will be required to set aside up to 10% of the area for these purposes.
- B.** If the Planning Board shall determine that a suitable park or parks of adequate size cannot be properly located in any such subdivision or cluster development or is otherwise not practical, it shall require as a condition to approval of any such subdivision or cluster development a payment to the village of a sum to be determined by the Board of Trustees for each new lot or dwelling unit as provided for in §300-12.1.(j) created, which sum shall constitute a trust fund to be used by the Board of Trustees exclusively for neighborhood parks, playgrounds or recreation purposes, including the acquisition of land. Each new lot created shall trigger the requirement to pay any and all fees as determined by the Board of Trustees. The provisions of § 300-12.1(j) shall apply to each new lot created.

- C. Resubdivision of properties, which do not increase the number of building lots, shall not be subject to this provision.

**§300-14.6. NATURE OF PROPERTY**

- A. The property shall be such that it can safely be used for the building purposes contemplated by the plan, in conformity with the applicable requirements of Chapter 300, Zoning and Land Use, of this Code, and without danger to health or peril from fire, flood or other menace, taking into consideration its location, elevation, grade and drainage.
- B. In its discretionary actions under these subdivision regulations, the reviewing agency should take into consideration said statement of policies, principles and guides, as appropriate.

**§300-14.7. THROUGH 300-14.22 NO CHANGES**

**§300-14.23. IMPROVEMENTS TO BE COMPLETED**

The following shall be complied with before acceptance by the Village of Dobbs Ferry of any dedicated streets, property offered for dedication, or other subdivision improvements:

- A. The subdivider shall grade and pave all streets or other public places and shall install monuments, curbs, gutters, water mains, sanitary sewers, storm drains, street signs, streetlights, and sidewalks and street trees if required, and all other improvements shown on the final plat and/or on the final construction plan, in accordance with standards, specifications and procedures acceptable to the appropriate departments of the village, within such period of time as may be determined by the Board.
- B. To obviate the need for street openings after streets have been paved and dedicated to the village, the subdivider shall, at the time of street construction, install laterals for all house connections to all building lots from sewer, water and gas mains, and storm drains to the drainage system.
- C. The Building Inspector may require additional catch basins to those shown on the final construction plan, if necessary.
- D. Water mains, fire hydrants and fire alarm boxes shall be installed as directed by the Fire Chief and shall be placed in operation prior to the issuance of building permits. The cost of the water therefor prior to the acceptance of the dedication of the streets by the village shall be borne by the subdivider.
- E. Streetlights shall be installed on poles of the type and at intervals as required by and with the direction of the Planning Board, and shall be lighted prior to the acceptance of the dedication of the streets by the village or as directed by the Land Use Officer, at the expense of the subdivider. Temporary lighting as directed by the Land Use Officer shall be provided at the expense of the subdivider.
- F. Village standard street name signs shall be installed as directed by the Land Use Officer.
- G. The strip of land nine feet six inches wide outside of and bordering the curblin shall be at a grade with regard to the curblin not exceeding one foot in 10 feet except where topographic

features make this impractical as agreed by the Land Use Officer. In such cases the grade of the strip shall, at the discretion of the Land Use Officer, extend a minimum of four feet at a grade of one foot in 10 feet from the curb, then blend into the natural terrain in heavy rock cuts, or six feet at a grade of one foot in 10 feet in heavy fill areas. In determining the grade of the strip, consideration shall be given to the possible future need for a sidewalk on the side of the street where a grade of one foot in 10 feet for the full width of the strip is impractical because of topographic features. The exercise of the aforesaid discretion granted to the Land Use Officer is contingent upon the filing in the Westchester County Clerk's office (Division of Lands Records) by the subdivider of a revised approved subdivision plat of the area involved showing the boundaries of the street right-of-way as adjusted. In addition, the subdivider shall file with the village a revised deed including the changes to the streets. The curb strip shall be free of all obstructions except such trees as shall have been designated to be saved or planted, by agreement with the Planning Board and/or Land Use Officer. The lots and curb strips shall be so graded as to drain into the street. Where excessive drainage from private property is probable, that portion of the strip immediately bordering the curb shall be drained by a swale or other suitable means as directed by the Land Use Officer, whether designated prior to approval and shown on the plans, or deemed to the Land Use Officer to be necessary to accommodate site conditions.

- H.** The Land Use Officer shall have the right to stop all building and/or excavation operations should there be a violation of any Village ordinance, with such work stoppage continuing in effect until each and every violation is corrected to the satisfaction of the Land Use Officer.
- I.** With the purpose of preserving suitable trees in the public interest, the subdivider shall exercise all reasonable care to preserve all trees designated for preservation as shown on the plans approved by the Planning Board, on the topographic survey accompanying the application for the excavation permit, or otherwise by agreement with the Land Use Officer. In the event any tree designated to be saved is accidentally damaged to the extent that it may die in the opinion of the Land Use Officer, the subdivider, at his own cost and expense, shall remove the tree in a manner prescribed by the Land Use Officer. Trees in areas offered for dedication to the village, which are designated for removal by the Land Use Officer because they are in a dangerous condition, shall be removed at the cost and expense of the subdivider prior to acceptance or dedication. All trees located within the nine-foot-six-inch strip outside of and bordering the curblines, and any trees bordering such strip that in the opinion of the Land Use Officer are damaged to the extent that they may die, shall be removed by the subdivider. To assure the planting of street trees in the public interest, the subdivider shall deposit with the Village, in a form acceptable to the Village Attorney, a amount, to be determined by the Planning Board, as a guaranty that the subdivider will plant such street trees as directed by the Land Use Officer, or as reimbursement to the village for planting street trees in the event the subdivider fails to plant them. In case the subdivider plants such trees, or the cost of the trees planted by the Village to replace the trees planted by the subdivider is less than the amount deposited with the Village, any moneys in such fund remaining unexpended by the village after the expiration of one year from the date of acceptance of streets by the village shall be returned to the subdivider.
- J.** The subdivider shall file with the Land Use Officer an as-built plan of the entire subdivision, showing in detail all streets, sewers, storm drains, springs, gas lines and water lines, including lateral connections to every lot, streetlights, hydrants, fire alarm boxes and trees designated for preservation.
- K.** Any questions of interpretation of the meaning of the resolutions approving subdivisions shall be determined by the Land Use Officer.

- L. The installation of all streets and public utilities shall be supervised, at the expense of the subdivider, by a civil engineer licensed by the State of New York. ~~the length of time devoted to supervision to be approved by the Land Use Officer and continue until the subdivision is finally approved.~~ The subdivider shall furnish the Land Use Officer with the names of the licensed land surveyors and civil engineers either employed or to be employed on the subdivision by the subdivider in order to avoid conflicts with consultants selected by the Village. The supervising civil engineer shall be present at the site as required by the Land Use Officer, until the subdivision work is completed and approved.
- M. When, in the judgment of the Land Use Officer, inspection of work in process or finished is needed, he shall be authorized to employ a qualified inspector at the expense of the subdivider.
- N. To expedite operations and prevent misunderstandings, conferences on the site of the subdivision shall be held one week before any street construction, grading operations or utility installations are begun, and weekly thereafter or as often as requested by the Land Use Officer. Such conferences shall be attended by the Land Use Officer, land surveyor and engineer of record, representative of the subdivider and the general contractor. Minutes of each conference shall be prepared by the engineer of record or other qualified person approved by the Land Use Officer, and the Land Use Officer shall receive the original copy of the minutes within three days following the date of the conference and as many additional copies as he may reasonably request.
- O. No building permit shall be issued for any house unless all the improvements deemed essential at the time by the Land Use Officer and located between the lot on which such house is to be erected and the nearest public street have been completed and drainage from locations adjoining or above such lot has been adequately controlled.
- P. No certificate of occupancy shall be issued unless all required improvements located between the house for which the certificate of occupancy is requested and the nearest public street have been completed and drainage from locations adjoining or above such house has been adequately controlled and the streets between such house and the nearest public street have been completed, with the exception of the top course.
- Q. The subdivider shall authorize the village to make passable and maintain the streets shown on the subdivision plat during winter weather conditions as if same were public streets of the village, and the subdivider shall reimburse the village for the reasonable cost of said work and shall repair any damage to said streets resulting from said work prior to acceptance by the village of the dedication of said streets.
- R. Traffic control signs shall be installed as directed by the Chief of Police.
- S. Any other conditions of the resolution approving the subdivision.
- T. Unless specifically stipulated by separate agreement approved by the Village Board of Trustees in a form acceptable to the Village Attorney, all costs and expenses for this work shall be the responsibility of the subdivider and shall be completed at his sole expense.

#### **APPENDIX A: PERMITTED USE TABLES**

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**TABLE A-1: RESIDENTIAL ZONING DISTRICTS**

“PP” = Permitted / “SP” = Special Permit Required / “N” = Prohibited / “PA” = Permitted (Accessory)							
Use Category	Use Type	OF <sup>1</sup>	MDR -1	MDR -2	MDR -H	B	MF
<b>Residential</b>							
Group Living	Group Home	N	PP	PP	PP	PP	PP
	Retirement home, nursing home, or assisted-living facility	N	N	N	SP	SP	PP
	Dormitory	N	N	N	N	N	N
Household Living	Cluster development	PP	PP	PP	PP	PP	PP
	Mixed-use building complex	N	N	PP	N	PP	N
	Multi-family dwelling	N	N	PP	PP	PP	PP
	Multi-family housing complex	N	N	SP	SP	PP	PP
	One-family dwelling	PP	PP	PP	PP	PP	PP
	Townhouse	N	PP	PP	PP	PP	PP
	Two- or three-family dwelling	N	PP	PP	PP	PP	PP
<b>Commercial</b>							
Adult uses		N	N	N	N	N	N
Animal-related uses	General	N	N	N	N	N	N
	Intensive	N	N	N	N	N	N
Bar or tavern		N	N	N	N	N	N
Country club		N	N	N	N	N	N
Entertainment or recreation uses	Indoor	N	N	N	N	N	N
	Outdoor	N	N	N	N	N	N
Lodging	Bed and breakfast	N	SP	SP	PP	PP	PP
	Inn	N	N	PP	PP	PP	N
	Hotel	N	N	N	N	N	N
Office uses	General	N	N	SP	SP	PP	N
	Medical and dental	N	N	SP	SP	PP	N
Parking, non-accessory	Surface	N	N	SP	N	N	N
	Structured	N	N	SP	N	N	N
Restaurant		N	N	N	N	N	N
Retail sales and service	Sales-oriented	N	N	N	N	N	N
	Personal service-oriented	N	N	N	N	PP	N

<sup>1</sup> One Family is denoted as “OF”; Mixed Density Residential 1 is denoted as “MDR-1”; Mixed Density Residential-2 is denoted as “MDR-2”; Mixed Density Residential-Historic is denoted as “MDR-H”; Broadway is denoted as “B”; Multifamily is denoted as “MF”.

<b>“PP” = Permitted / “SP” = Special Permit Required / “N” = Prohibited / “PA” = Permitted (Accessory)</b>							
<b>Use Category</b>	<b>Use Type</b>	<b>OF<sup>1</sup></b>	<b>MDR -1</b>	<b>MDR -2</b>	<b>MDR -H</b>	<b>B</b>	<b>MF</b>
	Repair-oriented	N	N	N	N	N	N
	Outdoor storage and display-oriented	N	N	N	N	N	N
Studio for artists / craftpersons		N	N	N	SP	SP	N
Vehicle-related uses	General	N	N	N	N	N	N
	Intensive	N	N	N	N	N	N
<b>Civic &amp; Institutional</b>							
Clubhouses, community centers, and places of worship		N	N	SP	SP	PP	N
Daycare and nursery schools		N	N	SP	SP	SP	SP
Educational uses	Private Elementary or Secondary	N	N	N	N	N	N
	Public Elementary or Secondary	N	N	N	N	N	N
	Specialized	N	N	N	N	N	N
	Higher Learning	N	N	N	N	N	N
Hospitals		N	N	N	N	N	N
Water-related recreation facilities		N	N	N	N	N	N
<b>Industrial</b>							
Industrial service		N	N	N	N	N	N
Manufacturing and production	General	N	N	N	N	N	N
	Intensive	N	N	N	N	N	N
Warehouse and freight-movement		N	N	N	N	N	N
<b>Other</b>							
Wireless telecommunication services facilities	Co-located facility	N	N	SP	N	SP	SP
	Free-standing facility	N	N	N	N	N	N
<b>Accessory</b>							
Accessory buildings		PA	PA	PA	PA	PA	PA
Accessory dwelling unit		N	N	N	N	N	N
Accessory parking		PA	PA	PA	PA	PA	PA
Drive-thru facilities		N	N	N	N	N	N
Home-based businesses		PA	PA	PA	PA	PA	PA
Home-based occupations		PA	PA	PA	PA	PA	PA
Household swimming pools		PA	PA	PA	PA	PA	PA

“PP” = Permitted / “SP” = Special Permit Required / “N” = Prohibited / “PA” = Permitted (Accessory)							
Use Category	Use Type	OF <sup>1</sup>	MDR -1	MDR -2	MDR -H	B	MF
Outdoor dining (nonresidential)		N	N	N	N	N	N
Outdoor storage (nonresidential)		N	N	N	N	N	N

**TABLE A-2: DOWNTOWN ZONING DISTRICTS**

“PP” = Permitted / “SP” = Special Permit Required / “N” = Prohibited / “PA” = Permitted (Accessory)				
Use Category	Use Type	DB <sup>2</sup>	DT	DG
<b>Residential</b>				
Group Living	Group Home	PP	PP	PP
	Retirement home, nursing home, or assisted-living facility	PP	PP	PP
	Dormitory	N	N	N
Household Living	Cluster development	N	N	N
	Mixed-use building complex	PP	PP	PP
	Multi-family dwelling	PP	PP	PP
	Multi-family housing complex	SP	PP	SP
	One-family dwelling	<del>SP</del>	PP	N
	Townhouse	N	PP	N
	Two- or three-family dwelling	<del>SP</del>	PP	N
<b>Commercial</b>				
Adult uses		SP	N	SP
Animal-related uses	General	PP	SP	PP
	Intensive	N	N	N
Bar or tavern		SP	N	SP
Country club		N	N	N
Entertainment or recreation uses	Indoor	PP	SP	PP
	Outdoor	SP	N	SP
Lodging	Bed and breakfast	PP	PP	PP
	Inn	PP	PP	PP
	Hotel	PP	N	PP
Office uses	General	PP	PP	PP
	Medical and dental	PP	PP	PP

<sup>2</sup> Downtown Business is denoted as “DB”; Downtown Transition is denoted as “DT”; Downtown Gateway is denoted as “DG.”

<b>“PP” = Permitted / “SP” = Special Permit Required / “N” = Prohibited / “PA” = Permitted (Accessory)</b>				
<b>Use Category</b>	<b>Use Type</b>	<b>DB<sup>2</sup></b>	<b>DT</b>	<b>DG</b>
Parking, non-accessory	Surface	SP	N	SP
	Structured	SP	SP	SP
Restaurant		PP	SP	PP
Retail sales and service	Sales-oriented	PP	PP	PP
	Personal service-oriented	PP	PP	PP
	Repair-oriented	PP	PP	PP
	Outdoor storage and display-oriented	N	N	N
Studio for artists / craftpersons		PP	PP	PP
Vehicle-related uses	General	N	N	SP
	Intensive	N	N	N
<b>Civic &amp; Institutional</b>				
Clubhouses, community centers, and places of worship		PP	PP	PP
Daycare and nursery schools		PP	PP	PP
Educational uses	Private Elementary or Secondary	N	N	N
	General	N	N	N
	Specialized	PP	N	PP
	Higher Learning	N	N	N
Hospitals		N	N	N
Water-related recreation facilities		N	N	N
<b>Industrial</b>				
Industrial service		N	N	N
Manufacturing and production	General	N	N	N
	Intensive	N	N	N
Warehouse and freight-movement		N	N	N
<b>Other</b>				
Wireless telecommunication services facilities	Co-located facility	PP	PP	PP
	Free-standing facility	SP	SP	SP
<b>Accessory</b>				
Accessory buildings		PA	PA	PA
Accessory dwelling unit		N	N	N
Accessory parking		PA	PA	PA
Drive-thru facilities		N	N	PA
Home-based businesses		PA	PA	PA

“PP” = Permitted / “SP” = Special Permit Required / “N” = Prohibited / “PA” = Permitted (Accessory)				
Use Category	Use Type	DB <sup>2</sup>	DT	DG
Home based occupation		PA	PA	PA
Household swimming pools		PA	PA	PA
Outdoor dining		PA	PA	PA
Outdoor storage (nonresidential)		N	N	SP

**TABLE A-3: SPECIAL ZONING DISTRICTS**

“PP” = Permitted / “SP” = Special Permit Required / “N” = Prohibited / “PA” = Permitted (Accessory)						
Use Category	Use Type	WFA <sup>3</sup>	WFB	EI		CP
<b>Residential</b>						
Group Living	Group Home	N	N	N		N
	Retirement home, nursing home, or assisted-living facility	N	N	N		SP
	Dormitory	N	N	SP		N
Household Living	Cluster development	N	PP	SP		PP
	Mixed-use building complex	N	PP	N		PP
	Multi-family dwelling	N	PP	SP		PP
	Multi-family housing complex	N	PP	SP		PP
	One-family dwelling	N	PP	SP		N
	Townhouse	N	PP	SP		PP
	Two- or three-family dwelling	N	PP	SP		PP
<b>Commercial</b>						
Adult uses		N	N	N		SP
Animal-related uses	General	N	N	N		N
	Intensive	N	N	N		N
Bar or tavern		PP	PP	N		PP
Country club		N	N	PP		N
Entertainment or recreation uses	Indoor	PP	PP	PP		PP
	Outdoor	PP	PP	PP		PP
Lodging	Bed and breakfast	PP	PP	N		PP
	Inn	PP	PP	N		PP
	Hotel	N	PP	N		PP
Office uses	General	PP	PP	N		PP
	Medical and dental	N	PP	N		PP

<sup>3</sup> Waterfront District A is denoted as “WF-A”; Waterfront District B is denoted as “WF-B”; Chauncey Park is denoted as “CP”; Educational/Institutional is denoted as “EI”.

<b>“PP” = Permitted / “SP” = Special Permit Required / “N” = Prohibited / “PA” = Permitted (Accessory)</b>						
<b>Use Category</b>	<b>Use Type</b>	<b>WFA<sup>3</sup></b>	<b>WFB</b>	<b>EI</b>		<b>CP</b>
Parking, non-accessory	Surface	N	N	N		N
	Structured	N	PP	N		PP
Restaurant		PP	PP	N		PP
Retail sales and service	Sales-oriented	PP	PP	N		PP
	Personal service-oriented	PP	PP	N		PP
	Repair-oriented	N	PP	N		SP
	Outdoor storage and display-oriented	N	N	N		SP
Studio for artists / craftpersons		PP	PP	N		PP
Vehicle-related uses	General	N	N	N		N
	Intensive	N	N	N		N
<b>Civic &amp; Institutional</b>						
Clubhouses, community centers, and places of worship		PP	PP	PP		PP
Daycare and nursery schools		N	PP	N		PP
Educational uses	Private Elementary or Secondary	N	N	PP		PP
	General	N	N	PP		PP
	Specialized	PP	PP	PP		PP
	Higher Learning	N	N	PP		PP
Hospitals		N	N	PP		N
Parks & Open Space		PP	PP	PP		PP
Water-related recreation facilities		PP	PP	PP		SP
<b>Industrial</b>						
Industrial service		N	PP	N		PP
Manufacturing and production	General	N	PP	N		N
	Intensive	N	N	N		N
Warehouse and freight-movement		N	N	N		N
<b>Other</b>						
Wireless telecommunication services facilities	Co-located facility	PP	PP	PP		PP
	Free-standing facility	SP	SP	SP		SP
<b>Accessory</b>						
Accessory buildings		PA	PA	PA		PA
Accessory dwelling unit		N	N	N		N
Accessory parking		PA	PA	PA		PA

<b>“PP” = Permitted / “SP” = Special Permit Required / “N” = Prohibited / “PA” = Permitted (Accessory)</b>						
<b>Use Category</b>	<b>Use Type</b>	<b>WFA<sup>3</sup></b>	<b>WFB</b>	<b>EI</b>		<b>CP</b>
Drive-thru facilities		N	N	N		PA
Home-based businesses		N	PA	PA		PA
Home-based occupations		N	PA	PA		PA
Household swimming pools		N	PA	PA		PA
Outdoor dining		PA	PA	PA		PA
Outdoor storage (nonresidential)		SP	N	N		SP

**TABLE B-1: OF DISTRICTS DIMENSIONAL STANDARDS**

<b>Zone</b>	<b>OF-6</b>	<b>OF-5</b>	<b>OF-4</b>	<b>OF-3</b>	<b>OF-2</b>	<b>OF-1</b>
<b>Min. net lot area (sq. ft.)</b>	5,000	7,500	10,000	15,000	20,000	40,000
<b>Min. lot width (ft.)</b>	50	75	100	100	125	150
<b>Min. lot depth (ft.)</b>	100	100	100	100	125	150
<b>Max. lot coverage by buildings</b>	27%	25 %	22%	20%	18%	15%
<b>Max. lot coverage by impervious surfaces</b>	54%	44%	40%	40%	40%	30%
<b>Min. front yard setback (ft.)</b>	20	25	25	30	30	40
<b>Max. front yard setback (ft.)</b>	prevailing	prevailing	prevailing	NA	NA	NA
<b>Min. rear yard setback</b>	25	25	25	25	25	40
<b>Min. side yard setback (each) (ft.)</b>	10	10	12	15	20	20
<b>Min. side yard setback (both) (ft.)</b>	20	25	30	40	50	50

\*The net lot area is determined by deducting the adjustments specified in the section 300-9.5.A.(2) from gross lot area.

**TABLE B-2: MDR, B AND MF DISTRICTS DIMENSIONAL STANDARDS**

Zone	MDR-1	MDR-2	MDR-H	B	MF-1	MF-2	MF-3	MF-4
Min. <u>net</u> lot area (sq. ft.)	5,000	5,000	10,000	5,000	20,000	20,000	20,000	20,000
Min. lot area per dwelling unit (sq. ft.)	2,500	800	2,500	800	6,000	3,500	2,500	1,750
Min. lot width (ft.)	50	50	50	50	100	100	100	100
Min. lot depth (ft.)	100	100	100	100	100	100	100	200
Max. lot coverage by buildings	27 percent	27 percent	30 percent	30 percent	30 percent	30 percent	40 percent	40 percent
Max. lot coverage by impervious surfaces	54 percent	54 percent	60 percent	60 percent	60 percent	60 percent	60 percent	60 percent
Min. front yard setback (ft.)	20	20	20	prevailing	25	25	50	10
Min. rear yard setback (ft.)	25	25	25	25	30	30	30	30
Min. side yard setback (each) (ft.)	10	10	10	10	25	25	25	10
Min. side yard setback (both) (ft.)	20	20	20	20	50	50	50	20

\*The net lot area is determined by deducting the adjustments stipulated in the section 300-9.5.A.(2) from gross lot area.

**TABLE B-7: RESIDENTIAL CONTEXT BASED HEIGHT AND MASSING LIMITS<sup>4</sup>**

Requirement	Set Limits	Context Based Limits
Maximum Ridge Height	28	1.25 times the average ridge height of buildings on lots within <del>200 feet of</del> the <u>Context Limit Area</u> of the subject property.
Maximum Eave Height	22	1.15 times the average eave height of buildings on lots within <del>200 feet of</del> the <u>Context Limit Area</u> of the subject property.
Sky Exposure Plane		A plane set an a angle of 45 degrees projected in to the lot from a point set 10 feet above a lot line with the base of the 10 feet set at the average grade height between the lot line and the building.

**TABLE B-10: CP AND EI DISTRICTS DIMENSIONAL STANDARDS**

REQUIREMENT		CP	EI
Lot Size	Min. lot size	-	5 acres
	Min. lot area per dwelling unit (sq. ft.) <sup>6</sup>	1,800 <sup>5</sup>	40,000
Building Height	Max. Stories	5	4
	Max. Height (ft.)	65	50
	Min. Stories	-	-
	Min. Height (ft.)	-	-
Lot Coverage	Max. lot coverage by buildings <sup>7</sup>	30%	50%
	Max. lot coverage by impervious cover	70%	80%
Setbacks	Min. front yard setback (ft.)	0 or 10 <sup>8</sup>	25
	Max. front yard setback (ft.)	-	-
	Min. rear yard setback (ft.)	20	25
	Min. side yard setback (each) (ft.)	10	10
	Min. side yard setback (both) (ft.)	20	25
	Max. side yard setback (each) (ft.)	-	-

<sup>5</sup> Minimum lot area per dwelling unit shall be calculated utilizing the Gross Lot Area as defined in Article 2, Definitions.

<sup>6</sup> Residential use in the EI district requires a change of zone to a residential district. The underlying residential zoning for the EI district is OF-1, which requires a site area of 40,000 square feet per residential unit. To change this underlying zoning designation requires a recommendation by the Planning Board and an application to the Village Board of Trustees.

<sup>7</sup> In the EI district, or any property developed according to the cluster development provisions, with the exception of the WFB and CP districts, the maximum lot coverage by buildings and the maximum lot coverage for impervious cover is calculated based on the net lot area following deductions for designated open space. For example, a 100,000 square foot lot with a 60,000 square foot open space parcel would be permitted a maximum building coverage of 20,000 square feet ( $100,000 - 60,000 = 40,000 \times 50\% = 20,000$  square feet) and a maximum impervious coverage of 32,000 square feet ( $100,000 - 60,000 = 40,000 \times 80\% = 32,000$  square feet). The footprint of open parking deck structures shall be included in the calculations for Maximum lot coverage by impervious cover, not in the calculations for Maximum lot coverage by buildings.

<sup>8</sup> No front or side yard is required where clustering is proposed. However, if any front or side yard is provided when clustering is proposed, such yard shall be at least ten (10) feet. A yard of not less than ten (10) feet shall be provided along any lot line that borders on a residential zone.

Appendix C: Parking Table

**TABLE C-1: MINIMUM PARKING REQUIRED**

Use Type	Minimum Parking Required
<ul style="list-style-type: none"> <li>▪ Accessory buildings (other than ADU)</li> <li>▪ Agricultural uses</li> <li>▪ Home occupations</li> <li>▪ Infrastructure and utilities, general</li> <li>▪ Municipal uses</li> <li>▪ Parks and open space</li> <li>▪ Wireless telecommunication services facilities</li> </ul>	No minimum requirement
<ul style="list-style-type: none"> <li>▪ Home-based businesses</li> <li>▪ Home-based occupations</li> </ul>	If there are employees, 1 additional space per employee. <sup>9</sup>
<ul style="list-style-type: none"> <li>▪ Mixed use dwelling</li> </ul>	1 space per dwelling unit
<ul style="list-style-type: none"> <li>▪ Cluster development</li> <li>▪ One-family dwelling</li> <li>▪ Two- or three-family dwelling</li> <li>▪ Townhouse</li> </ul>	2 spaces per dwelling unit
<ul style="list-style-type: none"> <li>▪ Multifamily dwelling</li> <li>▪ Multifamily housing complexes</li> </ul>	1.0 space for each efficiency unit, plus 0.25 spaces for each additional bedroom
<ul style="list-style-type: none"> <li>▪ Bed and breakfast</li> <li>▪ Hotel</li> <li>▪ Inn</li> </ul>	1 space for each guest room or suite
<ul style="list-style-type: none"> <li>▪ Office, medical and dental</li> <li>▪ Restaurant</li> <li>▪ Bar or tavern</li> </ul>	1 space for each <del>250</del> 333 square feet of <b>net</b> floor area
<ul style="list-style-type: none"> <li>▪ Adult use</li> <li>▪ Animal-related use, general</li> <li>▪ Animal-related use, intensive</li> <li>▪ Office, general</li> <li>▪ Retail sales and service, sales-oriented</li> <li>▪ Retail sales and service, personal service oriented</li> <li>▪ Vehicle related uses, general</li> </ul>	1 space for each 500 square feet of <b>net</b> floor area
<ul style="list-style-type: none"> <li>▪ Manufacturing and production</li> <li>▪ Retail sales and service, repair-oriented</li> <li>▪ Retail sales and service, outdoor storage and display-oriented</li> <li>▪ Studio for artists or craftspersons</li> <li>▪ Vehicle related uses, intensive</li> </ul>	1 space for each 1,000 square feet of <b>net</b> floor area

Use Type	Minimum Parking Required
<ul style="list-style-type: none"> <li>▪ Group home</li> </ul>	1 space per five residents plus 1 per employee in the largest work shift.
<ul style="list-style-type: none"> <li>▪ Clubhouses, community centers, places of worship</li> <li>▪ Daycare and nursery schools</li> <li>▪ Educational uses, all</li> <li>▪ Hospitals</li> <li>▪ Retirement home, nursing home, or assisted-living facility</li> <li>▪ Infrastructure and utilities, intensive</li> <li>▪ Passenger rail terminal</li> <li>▪ Self-storage</li> <li>▪ Water-related recreation facilities</li> <li>▪ Other</li> </ul>	To be determined by the Board of Trustees and/or the Planning Board during Site Plan Review

<sup>9</sup> Requirements may be waived or reduced by the Board of Trustees and/or the Planning Board when adequate on-street parking is available.