

BLUE TEXT- text moved from other section in the chapter

RED TEXT- new wording/definition

TEXT – deletions

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Article II Definitions

§ 300-14 General terms.

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

ABANDONMENT

In regards to a nonconforming use, the use or structure shall be considered abandoned/discontinued under any of the following circumstances: 1) for a period of 12 or more consecutive months the discontinuance of the use is made obvious by the posting of signs, boarding up of windows, failure to pay taxes or assessments or other measures which demonstrate the enterprise is going out of business or the use is otherwise ending; or 2) the nonconforming use has been replaced by a conforming use or changed to another use under permit from the Village; or 3) the equipment and furnishings used in furtherance of the nonconforming use have been removed from the premises for a period of 12 or more consecutive months.

ACCESS

A way or means of approach to provide vehicular or pedestrian entrance to a property.

ACCESSORY BUILDING OR STRUCTURE

A building or structure that is customarily subordinate and accessory to a principal structure or use on the same site.

ACCESSORY DWELLING UNIT

A dwelling unit which is incidental and subordinate to a permitted principal use of a one-family dwelling unit, is located on the same lot therewith, and, if it is located in an accessory building, is incidental and subordinate to the permitted principal use of that accessory building.

ACCESSORY PARKING

Parking provided to comply with off-street parking requirements and nonrequired parking that is provided exclusively to serve occupants of and visitors to a particular use, rather than the public at-large.

ACCESSORY USE

A use that is customarily subordinate and accessory to a principal structure or use on the same site.

ADULT USE

An establishment consisting of, including or having the characteristics of any or all of the following:

- A. **ADULT BOOKSTORE or VIDEO STORE** An establishment having a substantial or significant portion of its stock-in-trade in books, pamphlets, magazines, and other periodicals, sculptures, photographs, pictures, slides, videotapes, sound recordings or films that are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or genital areas, and which excludes any minor by reason of age.
- B. **ADULT ENTERTAINMENT CABARET** A public or private nightclub, bar, cabaret, restaurant or

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similar establishment, either with or without a liquor license, devoted to presenting material distinguished or characterized by its emphasis on matter depicting, describing or relating to sexual activities or genital areas, or that features topless dancers, go-go dancers, strippers or similar entertainers for observation by patrons, and excludes any minor by reason of age.

- C. **ADULT MOTEL** A motel which excludes any minor by reason of age and which makes available to its patrons in their rooms films, slide shows or videotapes depicting or relating to sexual activities or genital areas and which, if presented in a public movie theater, would exclude any minor by reason of age.
- D. **ADULT THEATER** An establishment used for presenting motion pictures, films, videos or live entertainment distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or genital areas, and which excludes any minor by reason of age.
- E. **PEEP SHOW** A theater which presents material in the form of live shows, films or videotapes viewed from an enclosure for which a fee is charged and which excludes any minor by reason of age.

AFFORDABLE HOUSING FUND

A special purpose fund established by the Village with the specified goal of advancing fair and affordable housing in the Village of Dobbs Ferry. The money on deposit in such fund may be appropriated by the Board of Trustees to promote, facilitate or support the intent and scope of the affordable housing program, all in keeping with the primary goal of creating affordable housing in the Village of Dobbs Ferry.

AFFORDABLE HOUSING RULES AND REGULATIONS

A document promulgated, adopted and amended from time to time by the Board of Trustees that outlines specific processes and procedures for promoting fair and affordable housing in connection with the Village of Dobbs Ferry's affordable housing program.

AFFORDABLE HOUSING UNIT

A housing unit that affirmatively furthers fair housing, is marketed in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan and that is affordable under either of the two following categories:

- A. A for-purchase housing unit that is affordable to a household whose income does not exceed 80% of the area median income (AMI) for Westchester County as defined annually by the United States Department of Housing and Urban Development (HUD) and for which the annual housing cost of said unit, including common charges, principal, interest, taxes and insurance, does not exceed 33% of 80% of AMI, adjusted for family size; or
- B. A rental unit that is affordable to a household whose income does not exceed 60% of AMI and for which the annual housing cost of said unit, defined as rent plus tenant-paid utilities, does not exceed 30% of 60% of AMI, adjusted for family size. **[Amended 6-25-2019 by L.L. No. 2-2019]**

ALLEY

A service roadway providing a secondary means of access to abutting property and not intended for general circulation. An alley is not to be considered a street.

[Image]

ALTERATION

As applied to a building or structure, any change or rearrangement in the structural parts of an existing

building, as well as any change in doors, windows, means of egress, or any enlargement or diminution of a building or structure, whether horizontally or vertically; or the moving of a building or structure from one location or position to another.

ANIMAL RELATED USES, GENERAL

General animal-related uses have no outdoor facilities and provide services or treatment only for domestic animals such as dogs, cats, fish, birds and small mammals. Overnight boarding is provided only following medical treatments. Examples include ~~pet-sales~~ of pet goods and supplies, ~~and pet grooming services-uses~~ and veterinary clinics.

ANIMAL RELATED USES, INTENSIVE

Intensive animal-related uses provide outdoor facilities, overnight boarding (other than medical-related), or services or treatments for large animals. Examples include animal shelters, kennels, stables and veterinary clinics for large animals.

ANTENNA

Any telecommunications facility located upon an existing freestanding tower or attached to a building, including but not limited to directional antennas (such as panels, microwave dishes, satellite earth station antennas over two meters in diameter) and omnidirectional antennas (such as whips). This term does not include antennas two meters or less in diameter. ~~Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.~~

APPLICANT

The person or entity that is submitting an application for development or the successor to the same with the legal right to do so. An applicant must have written authorization to appear on behalf of the owner of the property.

APPROVING AUTHORITY

The board responsible for granting the final approval on an application, when board approval is necessary, or otherwise the Land Use Officer.

ARCHAEOLOGICAL RESOURCE

Any material remains of past human life or activities which are of archaeological interest, and which are at least 100 years of age. Such regulations containing such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, unless found in an archaeological context.

ARCHITECTURAL AND HISTORIC REVIEW BOARD

The Village Architectural and Historic Review Board created by this chapter.

~~ASSISTED CARE RESIDENTIAL FACILITY~~

~~A residential facility providing extended care to its residents, ranging from independent living units to hospital-styled rooms and wards, with or without medical facilities on-site.~~

ATTACHED DWELLING

A dwelling unit which is attached to one or more adjoining dwellings and separated from them via a fire-rated separation such as a party wall or floor structure.

AVERAGE GRADE

The grade calculated as the midpoint between the high point and the low point of grade along an exterior building wall. For the determination of eave limits and ridge limits, as the midpoint between the high point and the low point of grade along the exterior building wall yielding the highest elevation. For the determination of the base measuring point for creating the sky exposure plane, as the midpoint between the grade at the base of a building and the grade at the point on the lot line closest to the building. All calculations shall be based on the preconstruction grades, unless otherwise directed by the Architectural and Historic Review Board. The Architectural and Historic Review Board may choose to use the post-construction grades for determining these heights and limits.

AWNING

A roof-like cover made of nylon, canvas or other such material or fabric that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

BASEMENT

A portion of a building that is substantially below grade. A basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

- A. More than six feet above the grade plane;
- B. More than six feet above the finished ground level for more than 50% of the total building perimeter; or
- C. More than 12 feet above the finished ground level at any point.

BAR OR TAVERN USES

An establishment which is licensed by the New York State Liquor Authority, having as its principal or predominant use the serving of beer, wine or liquor for consumption on the premises, and which sets a minimum age requirement for entrance consistent with state law.

BED-AND-BREAKFAST

An owner-occupied residence used to provide lodging accommodations and a morning meal to visitors for compensation, provided that the owner lives on premises and with no more than 6 guest rooms that are rented for temporary sleeping accommodations at market rates with a maximum length of stay of 14 consecutive nights. Some or all guest rooms may be in accessory buildings. Provision of alcoholic beverages is controlled by state statute. ~~An operation within a private, owner-occupied dwelling that provides overnight accommodations and a morning meal to guests, limited to six guest rooms.~~

BERM

A mound of earth used to shield, screen and buffer undesirable views or to direct the flow of surface water runoff.

BOARD OF TRUSTEES

The governing board of the Village.

BUFFER or BUFFER AREA

An open space or landscaped area consisting of trees, shrubs, berms, walls, solid fencing or a combination thereof, so installed as to provide both a visual and an acoustical barrier between one use or property and another use or property.

[Image]

BUILDING

A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof. When such a structure is divided into separate, freestanding parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements in districts which allow attached dwellings or multifamily dwellings.

BUILDING COVERAGE

The area of a lot covered by or permitted to be covered by principal and accessory building(s) and structures on the ground level. Percentage of building coverage is the area of principal and accessory building(s) at the ground level divided by the lot area and expressed as a percentage of the **gross** lot area.

BUILDING FRONTAGE

The linear distance of a lot measured along the exterior wall of a building, or along the front building setback line, if there is no building that faces a public street abutting the parcel of land on which the building is located.

BUILDING HEIGHT

Building height is measured as follows: The maximum height of a structure in feet shall be measured perpendicularly from the existing grade to an imaginary plane located the permitted number of feet above and parallel to the existing grade. For peaked roofs, height shall be measured to the midpoint of the roof. No portion of a peaked roof below the midpoint shall extend above said imaginary plane. For flat roofs, height shall be measured to the top of the roof. No portion of a flat roof shall extend above the imaginary plane. Parapets with a height of 36 inches or less are not included in determining building height.

~~{Amended 8-22-2017 by L.L. No. 6-2017}~~

A.—Exception:

- ~~(1) In the downtown districts, building height is measured from the midpoint of the building fronting on the public sidewalk on Broadway (Route 9), Ashford Avenue, Cedar Street or Main Street, and not from the grade plane, to the peak of a pitched roof or the top of a flat roof~~
- ~~(2) In the downtown districts, the first floor of a building which provides at-grade direct access or egress onto the public sidewalk shall be considered a story, whether or not it meets the standards for being considered a basement.~~

BUILDING INSPECTOR/LAND USE OFFICER

The Building Inspector of the Village or his/her designee.

BUILDING LENGTH

The horizontal distance between the vertical planes of the furthestmost walls of a building measured along or parallel to the axis of its greatest dimension excluding roof projections such as eaves, rakes and soffits.

CELLAR

A portion of a building having more than 1/2 of its interior height below the grade plane and a clearance

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~~of less than 6 feet. A portion of a building located substantially underground and having less than three feet of its floor-to-ceiling height above the grade plane. A cellar is not counted as a story for the purpose of height and setback regulations. (See "basement.")~~

CERTIFICATE OF APPROPRIATENESS

An official form issued by the Architectural and Historic Review Board stating that the proposed work on a designated historic landmark, scenic landmark, or contributing structure within an historic district is compatible with the historic character of the property and thus in accordance with the provisions of this chapter and therefore: (1) the proposed work may be completed as specified in the certificate; and (2) the Building Department may issue any permits needed to do the work specified in the certificate.

CERTIFICATE OF OCCUPANCY

A certificate issued by the Village upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this chapter and such adjustments thereto granted by the Zoning Board of Appeals.

CERTIFIED ARBORIST

An individual who has obtained knowledge and competency in arboriculture or forestry through an accredited body such as the International Society of Arboriculture (ISA) arborist certification program, the American Society of Consulting Arborists, the New Jersey Society of Certified Tree Experts, the State of Connecticut Department of Environmental Protection or the New York State Cooperating Consultant Forester Program.

CERTIFIED ARBORIST REPORT

A report prepared by a certified arborist containing specific information on the tree(s) and/or shrubs to be removed, including, but not limited to: species, size, location, condition, structure, height, crown integrity, crown spread, age, pruning history and presence of pests or disease. The report shall include the arborist's name, address, business affiliation, certification information and signature.

CLEAR-CUTTING

The cutting of ~~10-5~~ or more trees with a diameter of six inches or more at a height of 54 inches (diameter at breast height or DBH) above the natural grade on a given lot within a twelve-month period.

CLERK

The Village Clerk of the Village of Dobbs Ferry.

CLUBHOUSE, COMMUNITY CENTER, AND PLACES OF WORSHIP

A use that provides meeting space and facilities for private nonprofit associations or religious institutions. Examples include private nonprofit meeting halls, clubs, associations or nonresidential fraternal organizations, such as the Masonic, Eagles, Moose and Elks Lodges, and the Lions and American Legion Clubs; community centers for homeowners' associations or neighborhoods; places of worship such as churches, temples, synagogues and mosques. Such a use typically restricts access to the general public and owns, leases or holds property in common for the benefit of its members.

CLUSTER/CLUSTER DEVELOPMENT

See § 300-54F. A subdivision or site plan approved pursuant to this chapter, in which the applicable zoning regulations are modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping in order to preserve the natural and scenic qualities of open lands, to create a more compact development, or to meet additional goals of the Vision Plan.

COMMERCIAL USES

The commercial use group includes uses that provide a business or professional service or involve the

selling, leasing or renting of merchandise to the general public.

COMPATIBLE/COMPATIBILITY

As set forth in § 300-19B(2)-(3), in harmony with location, context, setting, and historic character.

COMPREHENSIVE PLAN

See "Vision Plan."

Commented [A1]: May want to consider choosing one term - Vision, Comprehensive, or Master Plan. This will require numerous edits throughout the code to match the term.

CONSERVATION ADVISORY BOARD

A Village board that provides guidance to the Village on various environmental issues.

CONTEXT-BASED LIMITS

Height and bulk limits on proposed buildings established by the prevailing standards of the existing or proposed buildings on lots within 200 feet of the subject parcel.

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.

[Added 6-14-2011 by L.L. No. 6-2011]

CONTRIBUTING PROPERTY

A special historic resource that contributes to the historic fabric of the community, or to a particular neighborhood, or to a more important structure. The relationship of this structure to other landmarks/landmark districts may make its preservation important to other structures or to a definable geographic area. Identification of the value and contribution of such a structure to the surrounding structures or area, as described above, would make it eligible for inclusion in the Historic Resources Inventory. This resource has the potential to be considered for inclusion in a Village historic district. The scoring system in the individual property form is a nonbinding guideline for determining whether a property is contributing or noncontributing. See Appendix K: Historic District Application and Individual Property Form.

[Added 6-13-2017 by L.L. No. 4-2017]

COTTAGE INDUSTRY

A ~~business or individual firm~~ that manufactures and/or assembles goods that are intended for on-site sales to the general public for personal or household consumption. The goods may also be sold at wholesale to other outlets or firms, but on-site retail sales is a significant component of the operation. The manufacturing component for such a firm is small in scale. Size limitations may apply to such uses in commercial zones to keep the uses in scale and character with surrounding land uses.

COUNTRY CLUB

A recreational facility typically restricted ~~for use by to~~ members and ~~members'~~ guests but also admitting ~~non-members paying customers and~~ visitors for special events. The facility typically includes a clubhouse, dining and banquet facilities, and recreational facilities such as a golf course, tennis courts and swimming pools.

CRITICAL ENVIRONMENTAL AREA (CEA)

~~A specific geographic area designated by a state or local agency, having exceptional or unique environmental characteristics. There are two CEAs in the Village: the Juhring Estate and the area west of Route 9 as designated by Westchester County.~~

CRITICAL ROOT ZONE (CRZ)

The area containing the volume of roots necessary for maintenance of tree health and stability. The CRZ is determined as a circle with a diameter calculated from the diameter at breast height (DBH) using the equation: $(DBH \times 1.5) \times 2$, which typically extends beyond the dripline of the tree (as defined below).

CROWN

All portions of a tree, excluding the trunk and roots; specifically the branches, leaves, flowers and other foliage.

CUL-DE-SAC

A street with a single common ingress and egress and with a turnaround at the end.

DAY-CARE/ NURSERY SCHOOLS-CENTER

A nonresidential facility that provides less than twenty-four-hour-per-day care or supervision for children, elderly or the infirm in a group environment for a fee. Services may include, but are not limited to, nursing and rehabilitative services, personal care, transportation services, and social or recreational activities. ~~All facilities are A place providing care and instruction between the hours of 7:00 a.m. and 7:00 p.m. for 10 or more children; operated in accordance with the applicable New York State Social Services Law.~~

DEAD-END STREET

A street with a single common ingress and egress and with or without a turnaround at the end.

[Image]

DECISIONMAKING BODY

The applicable board, commission or other entity of the Village of Dobbs Ferry that is statutorily enabled to grant approval of a particular application.

DECK

An uncovered platform structure raised above the ground. A terrace is not a deck.

DENSITY

The number of dwelling units per unit area of land, usually expressed as dwelling units per acre.

DETACHED DWELLING

~~A dwelling that is housed in a building that does not contain any other dwellings and is not attached to any other building.~~

DETENTION BASIN

~~A storage site (such as a small reservoir) that delays the flow of water downstream.~~

DESTRUCTIVE PRUNING PRACTICES

Pruning of a mature tree in ways that are in violation of best practices, as defined by the American National Standards Institute Guidelines for Tree Pruning (ANSI A300 Part 1) destructive pruning practices include, but are not limited to, tree topping, defined as cutting back large-diameter branches to stubs, and removal of more than 25% of a tree's canopy.

DEVELOPED LOT

A parcel or plot of land that is occupied by a principal building or a permitted use.

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DEVELOPMENT/DEVELOPMENT ACTIVITY

Any human-made change to improved or unimproved property, including, but not limited to, placement of manufactured housing, buildings or other structures, construction, demolition, clearing, mining, dredging, filling, grading, paving, excavating or drilling. Development activity does not include transfer of ownership.

DIAMETER AT BREAST HEIGHT (DBH)

A standard measurement of tree size taken by measuring the diameter of the trunk at a height of 4.5 feet (54 inches) above ground level. Guidelines for determining DBH in some of the more complicated situations are as follows:

- (1) If the tree has branches, bumps or forks that interfere with DBH measurement, measure below that point and record the height at which DBH was determined.
- (2) If the tree is growing vertically on a slope, measure DBH from the uphill side of the slope.
- (3) If the tree is leaning, measure DBH in the direction of the lean.
- (4) If the tree splits into several trunks close to the ground (i.e., has a multitemmed or low-branched habit), the DBH of the tree is the sum of the DBH of each trunk. ~~Diameter of a tree trunk at 54 inches above the average natural grade at the base of the tree.~~

DISTRICT

A district or a zone shall be any portion of the territory of the Village within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this chapter.

DORMITORY

A living accommodation located on the same lot that is operated by a school for full-time students attending the school, adult staff residents directly responsible for the overnight supervision of such students, and members of the immediate families of such adult staff residents.

DOWNED TREE

A tree that has fallen over or is broken and is lying on the ground or on a structure.

~~DRAINAGE EASEMENT~~

~~The land required for the installation and/or maintenance of stormwater sewers, culverts, bridges, drainage ditches or a watercourse for preserving the channel and/or providing for the flow therein.~~

DRIPLINE

The outermost limit of the canopy of a tree as delineated by the perimeter of its branches and which, extended perpendicularly to the ground, encloses the tree. ~~An area identified by the extension of a vertical line from the outermost portion of the limb canopy of the tree to the ground.~~

DRIVE-THROUGH FACILITY

A physical appurtenance which has ordering and pickup facilities, is accessible by a designated driveway, is accessory to and part of the structure of the primary facility and use to which it is attached, and is designed or used to sell or serve food or merchandise or to provide banking services to customers.

DRIVEWAY

A means of access for vehicles to or from a property to a street.

DUE NOTICE

The following three requirements shall together constitute due notice for the purposes of this chapter except where state or federal law imposes a different requirement: 1) a certified, first-class mailing by the applicant to all property owners within 200 feet of the property line; 2) a sworn statement by the applicant affirming that said notice was given; and 3) the posting of a sign provided by the Land Use Officer in a conspicuous location on the subject property stating that there is a pending application on the property and a telephone number to call for further information. All notices shall be mailed and posted at least seven days prior to the public hearing.

DWELLING

Any permanent building or portion thereof designed or used exclusively as the residence for one or more persons.

DWELLING, MULTIFAMILY

A residential building that contains four or more dwelling units that share common walls or common floors/ceilings with one or more dwelling units. The land upon which the building sits is not divided into separate lots.

DWELLING, ONE-FAMILY

A building containing one dwelling unit not physically attached to any other principal structure.

DWELLING, TWO- OR THREE-FAMILY

A building containing two or three individual dwelling units located on a single lot. The units may be located side by side with a common wall or one above the other with a common floor/ceiling.

DWELLING UNIT

A single residential unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, in which all habitable spaces are accessible to one another from the interior, and meeting the requirements of the New York State Building Code for residential use.

EASEMENT

A grant by a landowner to another legal entity, including a municipality, for the right to occupy or use designated land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.

[Image]

EAVE, DOMINANT

The highest eave on a building measured from the base of the facade with the highest average grade.

EAVE HEIGHT

The vertical distance from the average grade along a wall surface to the edge of the roof that overhangs or meets the wall of the building.

EAVE HEIGHT, DOMINANT

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

EAVE HEIGHT, PREVAILING

The average eave height 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 § 300-17C.

ENTERTAINMENT OR RECREATIONAL USES, INDOOR

Indoor uses in this category may require larger indoor areas to accommodate equipment or facilities for the proposed activity. Examples include, but are not limited to, physical fitness centers, health clubs, gyms, bowling alleys, indoor skating rinks, swimming facilities, billiard halls, amusement arcades, indoor theaters, indoor play parks, cabarets and dance halls.

ENTERTAINMENT OR RECREATIONAL USES, OUTDOOR

Outdoor uses in this category are typically land-intensive uses that provide continuous recreation or entertainment-oriented activities. They may take place in a number of structures that are arranged together in an outdoor setting. Examples include, but are not limited to, commercial tennis and swimming facilities, drive-in theaters, outdoor skating rinks, golf driving ranges, outdoor miniature golf facilities, commercial amphitheaters, active sports facilities such as ball fields.

ENVIRONMENTALLY SENSITIVE AREA, FEATURE OR LAND

An area, site, parcel or lot containing one or more of the following features: water resources, including intermittent or perennial watercourses, ponds, lakes, reservoirs and retention basins, tidal or freshwater wetlands, floodplains, aquifer recharge areas, erodible soils, steep slopes and rock outcroppings and other areas as defined by the New York State Department of Environmental Conservation. Each such feature is designated an "environmentally sensitive feature."

ERECT

To build, construct, reconstruct, attach, hang, alter, place, affix, enlarge, move or relocate.

ERODIBLE SOILS

Soils classified as subject to severe erosion by the Natural Resources Conservation Service of the United States Department of Agriculture.

EXISTING GRADE

The topography of a property prior to excavation, filling or regrading.

FAMILY

A. Either:

- (1) A head of household plus one or more persons related by blood, marriage or adoption or other domestic bond and limited to the spouse, domestic partner, parents or lineal descendants of the head of household or of the head of household's spouse or domestic partner, living together as a single, not-for-profit unit sharing housekeeping duties and cooking, eating, living and recreational facilities; or
- (2) A maximum of five persons not sharing a relationship described in A(1) above, but living together as a single housekeeping unit sharing housekeeping duties and cooking, eating, living and recreational facilities.

B. All living situations meeting one of the above definitions of "family" must still comply with the occupancy standards set forth in the Property Maintenance Code of New York State of not less than 400 square feet per person.

FENCE

An artificially constructed barrier of any material or combination of materials erected to enclose or

screen areas of land.

FENCE HEIGHT

In regard to fences, the distance measured from the finished grade to the top of the fence. In the case of a fence located on a wall or berm, the height of the fence shall include the height of the wall or berm. Retaining walls shall not be included in the height of the fence.

FINAL PLAT

The final drawings of the layout of a subdivision prepared in accordance with Village approval with the signature of the Chairman of the Planning Board affixed thereto and filed with the Westchester County Clerk.

FINISHED GRADE

The topography of a property after all required excavation, filling or regrading has been completed and determined by the Land Use Officer to be stable.

FLAG

Any fabric or bunting containing distinctive colors, patterns or symbols.

FLAG LOT

See "lot, flag."

FLAG, OFFICIAL

Any flag of the United States, the State of New York, the County of Westchester, the Village of Dobbs Ferry, or any other governmental unit or recognized nonprofit organization.

FLAG, TRADEMARK

Any flag that displays only a registered trademark, logo, corporate name or any combination of the former three. No other wording or display of any kind shall be considered a trademark flag.

FLAT ROOF

A roof having a pitch in a horizontal to vertical ratio of 0.25 or less.

FLOODPLAIN

An area designated as within a floodplain on the Official Village Map.

FRONT LOT LINE

See "lot line, front."

FREESTANDING TOWER

Any telecommunications structure that is not connected to a building and that is designed and constructed primarily for the purpose of supporting one or more antennas.

FRONTAGE

The property boundary of a lot abutting a public street; the front lot line. On lots with multiple street fronts, the frontage shall include the length of the lot abutting all such streets.

FUEL PUMP CANOPY

A structure, either freestanding or partially attached to a building, located on the same premises as a gasoline filling station, affording protection from the elements to persons or property thereunder.

GABLE

That part of the wall immediately under the end of a pitched roof, cut into a triangular shape by the sloping sides of the roof.

GARAGE, PRIVATE

An accessory building for the private use of the owner or occupant of a principal building located on the same lot for the storage of motor vehicles with no facilities for mechanical services or repair of a commercial or public nature.

GIRDLING

An activity that removes or injures the bark of a tree trunk, typically extending around much of the tree's circumference.

GRADE PLANE

A reference plane representing the average of finished ground level adjoining the building at all exterior walls. This reference plane shall be established by the lowest point within the area between the building and the lot line or, when the lot line is more than six feet from the building, between the building and a point six feet from the building.

GROSS FLOOR AREA

The gross floor area shall include all floor areas of all buildings and structures on a single parcel, including but not limited to habitable basement and habitable attic areas, but excluding garages, open porches, crawl spaces, unenclosed decks, breezeways, imaginary/intermediate floor levels below cathedral ceilings, and any uninhabitable areas. An uninhabitable area shall be one which does not have direct walk-in access or maximum floor-to-ceiling height of less than 7.5 feet. In computing the gross floor area, the floor area of horizontal section shall be that area enclosed by the outside faces of all exterior walls. The gross floor area shall not include the floor areas devoted to any accessory parking structures.

GROUND FLOOR

The lowest story of a building having its entire floor-to-ceiling height above grade.

GROUP HOME

A building occupied on a permanent basis by a group of unrelated persons with disabilities in a family-like environment and which may be occupied by paid professional support staff provided by a sponsoring agency. ~~A nonprofit or for-profit boardinghome licensed by the New York State Department of Social Services for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.~~

GUIDELINE

Written statements, explanatory material, graphic renderings and/or photographs that are advisory recommendations intended to provide property owners and the public with specific examples of techniques and materials that can be used to achieve adopted standards. A guideline is an indication of Village policy or preferences, and compliance is encouraged to further the Village's land use goals and policies.

HALF-STORY

~~The attic under a sloping roof, the floor of which is not more than two feet below the wall plates, having a ceiling height of seven feet six inches or more. If the total attic floor area having a floor-to-ceiling height of seven feet six inches or more exceeds 50% the floor area of the story below, it shall be deemed a full story.~~

HAZARDOUS TREE

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A tree that exhibits serious defects, that is, obvious and visible signs that the tree is failing and that it presents an imminent threat to the health and safety of persons, property, power lines or places where people gather. Examples of serious defects include, but are not restricted to, one or more of the following conditions:

- (1) Excessive damage by an act of God, usually a weather event such as windstorm, lightning strike or flooding, with major broken branches, split trunk, large cracks or other defects that cannot be corrected by pruning.
- (2) Severe cracks in the main stem or in branch unions that penetrate deeply into the wood of the tree.
- (3) Advanced decay associated with cracks, branch unions, cavities in the tree or root flares and buttress roots. Evidence of fungal activity including mushrooms, conks, and brackets growing on root flares, stems, or branches can be indicators of advanced decay.
- (4) Leaning beyond 45° from vertical with evidence of recent root exposure, soil movement or soil mounding.
- (5) Supported solely by the action of another tree or object.

HEIGHT, BUILDING

Building height is measured as follows: The maximum height of a structure in feet shall be measured perpendicularly from the existing grade to an imaginary plane located the permitted number of feet above and parallel to the existing grade. For peaked roofs, height shall be measured to the midpoint of the roof. No portion of a peaked roof below the midpoint shall extend above said imaginary plane. For flat roofs, height shall be measured to the top of the roof. No portion of a flat roof shall extend above the imaginary plane. Parapets with a height of 36 inches or less are not included in determining building height.

A. Exception:

- (1) In the downtown districts, building height is measured from the midpoint of the building fronting on the public sidewalk on Broadway (Route 9), Ashford Avenue, Cedar Street or Main Street, and not from the grade plane, to the peak of a pitched roof or the top of a flat roof
- (2) In the downtown districts, the first floor of a building which provides at-grade direct access or egress onto the public sidewalk shall be considered a story, whether or not it meets the standards for being considered a basement.

See "building height."

HIGHER LEARNING

Colleges, universities and professional schools granting academic degrees and requiring at least a high school diploma or equivalent general academic training for admission; junior colleges and technical institutes requiring at least a high school diploma or equivalent general academic training for admission and granting associate academic degrees, certificates or diplomas. These uses tend to be in campus-like settings or on multiple blocks.

HISTORIC DISTRICT

An area designated as an historic district by this chapter, and which contains within definable geographic boundaries a significant concentration, linkage or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. An historic district designated under this chapter shall be considered an overlay zone, and the use regulations for any lot or parcel in the overlay zone shall be the same as otherwise permitted in the zoning district in which the lot or parcel is located. Furthermore, the bulk requirements (coverage, lot size, yards, height) for any lot or parcel in the overlay zone shall be the same as otherwise required in the zoning district in which the lot or parcel is located.

HISTORIC DISTRICT STANDARDS

The resource document adopted by the Board of Trustees and appended to this Chapter as Appendix I which contains the standards applicable to proposed modifications, renovation, repair and expansion of structures within areas designated as historic districts by this chapter.

HISTORIC INTEGRITY

The retention of sufficient aspects of location, design, setting, workmanship, materials, feeling or association for a property to convey its historic significance.

HISTORIC LANDMARK

Any building, structure, object or site which has special historical, cultural, or aesthetic value to the Village of Dobbs Ferry, and/or is an important part of the Village's heritage. The scoring system in the individual property form is a nonbinding guideline for determining whether a property qualifies as an historic landmark. See Appendix K: Historic District Application and Individual Property Form.

HISTORIC RESOURCE

Any evaluated building, structure, object, or site that:

- A. Exemplifies or possesses special character, or historic or aesthetic interest of value as part of the political, economic, or social history of the Village;
- B. Is identified with persons or events significant in local, state, or national history;
- C. Embodies the distinguishing characteristics of a type, period or method of construction or design style, or is a valuable example of the use of indigenous materials or craftsmanship; or is representative of the work of a designer, architect or builder;
- D. Represents an established and familiar visual feature of the community by virtue of its unique location or singular physical characteristic, represents an established and familiar visual feature of the community;
- E. Has yielded or may be likely to yield information important in prehistory or history;
- F. Is part of a collection of structures which together serve as tangible evidence of a community's cultural heritage and historic identity.

HISTORIC TREES

~~A quality of protected trees that may cause them to have a special role in the historic character of the Village, lend an incomparable or irreplaceable aesthetic benefit to the community or environment, or may be listed as a rare or endangered plant species on federal, state or other accredited plant registries.~~

HOME-BASED BUSINESS

Any nonresidential use that is incidental and clearly subordinate to an existing residential use, conducted within a dwelling unit or in an existing accessory structure by the owner of same, which does not change the residential character of the dwelling unit or vicinity and where no non-resident employees, customers or clients enter the premises. This includes remote working situations. ~~Any use conducted entirely within a dwelling and/or its accessory building and carried on by the inhabitants thereof and a limited number of employees, which is clearly incidental to the use of the dwelling as a place of residence and which typically involve visits to the home by clients, customers or the public.~~

HOME-BASED OCCUPATION

Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, with not more than two nonresident assistants working at the same time, with no retail sales of products

Commented [A2]: Appendix A and C will need to be updated to say this

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, or raising of animals, or any similar use, shall not be deemed to be a home occupation. ~~Any use conducted entirely within a dwelling and/or its accessory building and carried on by the inhabitants thereof, which is clearly incidental and accessory to the use of the dwelling as a place of residence and which does not involve visits to the home from clients, customers or the public.~~

HOSPITAL

An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by state law to provide such services. Hospitals may include ambulatory care, inpatient medical or surgical care for the sick or injured and related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities. Cafeterias, restaurants, florists, gift shops, pharmacies, and other typical and subordinate uses may be permitted, subject to the standards for accessory uses.

HOTEL

A facility offering lodging accommodations with more than 10 guest rooms or suites to the general public, which may also provide additional services and facilities, such as restaurants and meeting rooms. Motels and motor courts are not included in this definition and are prohibited in all zoning districts. ~~A building or part thereof containing more than 10 rooms, without individual cooking facilities, occupied or to be occupied primarily by transients for sleeping purposes for compensation, and where there may be a general kitchen, dining room and other public rooms for the use of all guests.~~

HOUSEHOLD LIVING

Residential occupancy of a dwelling unit by a household with tenancy arranged on a monthly or longer basis.

IMPERVIOUS COVERAGE

The part of a lot that is covered by impervious surfaces, expressed as a percentage of the gross lot area.

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.

INDUSTRIAL USES

The industrial use group includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities.

INDUSTRIAL SERVICE USES

Facilities used in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Industrial service firms that service or repair consumer goods do so primarily by providing centralized services for separate retail outlets rather than for individual customers. Few customers, especially the general public, come to the site.

INN

A facility offering lodging accommodations with no more than 10 guest rooms or suites to the general public, which may also provide additional services and facilities as accessory uses, such as restaurants, meeting rooms, entertainment and recreational facilities, provided that these are a permitted use in the zoning district.

~~A facility offering lodging accommodations with no more than 10 guest rooms. Meals may be served to customers currently staying at the inn and their guests only.~~

LAND-USE OFFICER

~~See § 300-25.~~

LOADING SPACE

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.

LOCAL WATERFRONT REVITALIZATION PLAN (LWRP)

The Local Waterfront Revitalization Plan, as adopted by the Village Board of Trustees and amended from time to time.

LOT

A parcel of land separated from other parcels of land for purposes of sale, lease or separate use. Such separation may be described on a subdivision plat, indicated on a recorded map or deed, specified by metes and bounds, or created as a result of a public street or railroad right-of-way.

LOT, CORNER

A parcel of land at the junction of and fronting on two or more intersecting streets.

LOT, THROUGH

An interior lot which fronts upon two parallel streets or which fronts upon two streets which do not intersect at the boundaries of the lot.

[Image]

LOT AREA, GROSS

The total square footage of a lot prior to any reductions pursuant to this chapter.

LOT AREA, NET

The area of the lot after any reductions pursuant to this chapter have been deducted. ~~For the purposes of calculating lot area, 1/2 of the area of the lot with slopes measuring 25% or greater shall not be included in the total lot area, and 1/4 of the area of the lot with slopes measuring at least 15% but less than 25% shall not be included in the net lot area.~~

LOT COVERAGE

The amount of building coverage, impervious surface coverage, or a combination of the two, divided by the gross lot area, and expressed as a percentage.

[Image]

LOT DEPTH

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The average measured distance of a line drawn from the street line to the rear lot line at right angles to the front property line. Where the front property line is an arc of a circle or irregular in shape, the depth shall be the average distance between the front and rear lines.

LOT, FLAG

A lot where access from the lot to the public road is by means of a private right-of-way or driveway. For the purposes of determining required setbacks, the front setback shall be measured from the street line and the rear setback shall be measured to the lot line opposite the front. The setback to all other lot lines, including the lot line forming the "flag" that is closest to the street, shall be the side yard requirement.

[Image]

LOT FRONTAGE

The length of the lot that abuts a public street.

LOT LINE

A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT

The lot line separating a lot from a public street right-of-way.

- A. For a through lot, the front public street line which is nearest to the main entrance of the principal building.
- B. For a corner lot, the front public street line as designated in an application for a permit to erect or alter a building on such lot or, if not so designated, the street line from which the principal building sets back the greatest distance. The setback requirement from the street not designated as the front shall be at the discretion of the Planning Board, determined by the prevailing setback of the other buildings facing that same street, and ranging between the minimum required side yard setback and the minimum required front yard setback.
- C. For a lot that does not adjoin any public street, the boundary line of such lot which is designated as such in an application for a permit to erect or alter a building on such lot or, if not so designated, the lot line which is nearest and most nearly parallel to a public street. In the case of a flag lot, the front line shall be that lot line that is nearest and most nearly parallel to the street with the required front setback measured from the street line.

LOT LINE, REAR

The lot line which is opposite and most distant from the front lot line or, in the case of a lot which is irregular in shape, the lot boundary line which is most nearly parallel to and at the greatest average distance from the front lot line.

LOT LINE, SIDE

Any lot boundary line which is not a front lot line or a rear lot line.

LOT WIDTH

The horizontal distance across a lot between side lot lines measured at a distance from the front lot line equal to the minimum required depth of the front yard.

MAINTENANCE BOND

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A surety or cash deposit in a form acceptable to the Village Attorney ~~provided to given to~~ the Village in an amount determined by the Village ~~Engineer~~ to be sufficient to guarantee dedicated improvements, work that has either fully or partially been completed and/or provide funds that may be necessary to implement protection measures to prevent erosion and sedimentation or other adverse impacts that could otherwise result from the construction process. In the event that it becomes necessary to use all or a portion of the maintenance bond, the Village may require that the fund be replenished to protect completion of the work.

MANUFACTURING AND PRODUCTION USES, GENERAL

Facilities for the transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, odor, vibration or fumes.

MANUFACTURING AND PRODUCTION USES, INTENSIVE

Facilities that involve the generation outside the property of noise, odor, vibration or dust, or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication or processing exceeds 25% of the floor area of buildings on the lot.

MASTER PLAN

See "Vision Plan."

MAXIMUM EXTENT PRACTICABLE

Reasonable efforts have been undertaken to comply with the regulation or requirement. Whether an effort is practicable depends on if the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and whether reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from the noncompliance.

MINIMUM DISTANCE

The smallest permissible distance between two objects, measured as a straight line. When one of the objects is a street line or lot line, the distance shall always be measured perpendicularly to the street line or lot line.

MIXED USE BUILDING

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

MIXED USE RESIDENTIAL

A building or group of buildings containing one or more dwelling units located above or below the street level of the building with nonresidential uses located on the street level.

MOTEL

A facility offering transient lodging accommodations to the general public with more than 10% of its guest rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may also provide additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.

MULTIFAMILY DWELLING

~~A building containing three or more residential dwelling units, other than an accessory dwelling unit.~~

MULTIFAMILY HOUSING COMPLEX

Two or more multifamily dwelling buildings in one development project.

NATIONAL REGISTER OF HISTORIC PLACES

The official inventory of the nation's historic properties, districts, sites, districts, structures, objects and landmarks which are significant in American history, architecture, archaeology, and culture, maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (16 USC § 470 et seq., 36 CFR 60, 63, as may be amended).

NEW YORK ENERGY STAR-LABELED HOME

~~Any new one- or two-family dwelling or multifamily dwelling of three stories or less built to achieve a minimum home energy rating sufficient to comply with the standards for Energy Star®-labeled homes in New York State created under the home energy rating system established pursuant to the National Home Energy Rating Technical Guidelines issued by the National Association of State Energy Officials, and which meets the following two additional requirements:~~

- ~~A. Includes a total of 300 kilowatt hours per dwelling unit of estimated annual savings from Energy Star®-labeled lighting and appliances; and~~
- ~~B. Includes the capability to deliver automatically controlled mechanical ventilation of at least 15 cubic feet per minute per dwelling unit plus an additional 15 cubic feet per minute per bedroom.~~

NONCONFORMING LOT

A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING STRUCTURE

A structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING USE

A use of land that lawfully existed prior to the enactment of this chapter, and which is maintained after the effective date of the chapter although it does not comply with use restrictions applicable to the area in which it is situated.

NONCONTRIBUTING PROPERTY

A structure in a recognized or potential historic district that does not make a significant contribution to that district. Although preservation of this building is not essential, it is important to recognize the relationship of its existence and/or changes in land use to other buildings in the district. The scoring system in the individual property form is a nonbinding guideline for determining whether a property is contributing or noncontributing. See Appendix K: Historic District Application and Individual Property Form.

[Added 6-13-2017 by L.L. No. 4-2017]

RETIREMENT HOME, NURSING HOME, OR ASSISTED LIVING FACILITY

~~A building, whether operated for profit or not, which provides housing, meals, health care assistance, and personal care to one or more adults who are not relatives of the owner or proprietor and is licensed by New York State for such operations.~~

~~Any premises licensed by the State of New York to function as a nursing home.~~

OFF-STREET PARKING

A space that is designated for the parking or temporary storage of motor vehicles located outside of the

right-of-way of a public or private street.

OFFICE, PROFESSIONAL

~~The office of a recognized profession such as that of a dentist, physician or other medical professional, lawyer, engineer, planner, architect, building designer, interior decorator, interior designer, accountant and other professions requiring a like amount of education and training.~~

OFFICE USE, GENERAL

Professional offices, such as lawyers, accountants, engineers, architects and real estate agents; financial services, such as mortgage lenders, brokerage houses, administrative and back office banking facilities; data processing; government offices; public utility offices; social service agency offices; television and radio studios

OFFICE USE, MEDICAL AND DENTAL

A type of office use distinguished by a higher than typical number of client or patient visits. Examples include medical and dental clinics, chiropractic clinics, medical and dental labs, blood-collection facilities, physical therapy clinics.

OFFICIAL MAP

The map established by the Board of Trustees pursuant to Village Law § 7-724 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.

ON-STREET PARKING

A space that is designated for the parking or temporary storage of motor vehicles located within the right-of-way of a public or private street and designated with signage, striping or parking meters, or otherwise consisting of 20 feet of length along a curb or edge of paving where parking is permitted.

OPEN SPACE (OS)

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests, of land adjoining or adjacent to such open space. In the Village, there are three different categories of OS:

- A. **OS 1** applies to dedicated parks and similar properties.
- B. **OS 2** an overlay zone which covers all or a portion of any property identified on the Open Space Inventory but not already designated OS 1.
- C. **OS 3** an area within a development project that has been designated as protected open space through a conservation easement, restrictive covenant, deed restriction or other legal means.

OPEN SPACE INVENTORY

An inventory or index maintained by the Conservation Advisory Board of all open spaces in public and private ownership within the Village, including, but not limited to, natural landmarks, glacial and other geomorphic or physiographic features, streams and their floodplains, swamps, marshland and other wetlands, unique biotic communities, scenic and other open areas of natural or ecological value.

OUTDOOR DINING

Food or beverage service areas outside of a fully enclosed structure as an accessory use to a permitted restaurant or bar or cocktail lounge use.

OUTDOOR STORAGE

The keeping in an unroofed area of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles for sale in a new or used car sales lot. Such activities may be the principal use of the land or an accessory use to another principal use when authorized by the standards of the zoning district.

OWNER

Any individual, firm, partnership, copartnership, association, corporation, syndicate, trust or any other legal entity having sufficient proprietary interest in a parcel of land.

PARCEL

A circumscribed area of land identified by a unique Tax Map identification number consisting of a section, map and lot number.

PARKING LOT

An off-street, ground-level area or deck-level area open to the sky which is used for the storage of automobiles and other motor vehicles.

PARKING STRUCTURE

A structure designed specifically for the storage of automobiles and other motor vehicles.

PARKING USES, NONACCESSORY

Parking facilities that provide parking that are not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as nonaccessory parking. Uses are divided into two subgroups based on provision of parking in surface lots or in structures (aboveground or below ground.)

PERFORMANCE BOND

A surety or cash deposit in a form acceptable to the Village Attorney given to the Village for the purposes of guaranteeing the completion or maintenance of improvements approved as part of an application. The amount of the performance bond shall be based on the applicant's cost projections for the work, subject to approval and modification by the Land Use Officer.

PERMITTED USE

A use of a building or land that conforms with the provisions of this chapter.

PLANNING BOARD

The Village Planning Board established pursuant to this chapter, Article III, Planning Board.

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.

PLINTH

A monument sign base that rests directly on the ground, designed as a support unit, architectural unit, or decorative design element.

PORCH, ENCLOSED

An unheated roofed area, which may be screened, usually attached to or part of and with direct access to a building, and when the ratio of open to enclosed surface area, including windows, is less than 50%. Enclosed porches shall be considered as part of the principal building and count in site coverage calculations.

PORCH, OPEN

An unheated roofed area, which may be screened, usually attached to or part of and with direct access to a building, and when the ratio of open to enclosed surface area, including wall and/or window areas as enclosed, is 50% or more. Openings protected with screens are not considered as enclosed.

PREVAILING SETBACK

The lesser of:

- A. The average of the existing front yard setback of the properties on either side of the subject property; or
- B. The average of the existing front yard setback of each lot on the block face on which the subject property is located; however, in no case shall a property more than 500 feet from the subject property or with a setback of more than 50 feet be included in the calculation.

[Image]

In this example, the minimum required front setback in the underlying zoning district is 20 feet. However, because of the variety in existing setbacks of buildings on the same block face, new development on lot C may be located with a setback of only 15 feet, which is the average of the setbacks of the adjacent lots B and D. Alternatively, the setback may be determined by the average of all the properties on the block face, except that the setback for property A would not be included in the calculation, as the setback is more than 50 feet.

PRINCIPAL BUILDING

A building in which the principal use of the lot on which it is located is conducted. In any residential district, any dwelling shall be deemed to be a principal building on the lot on which it is located.

[Image]

PRINCIPAL ENTRANCE

The place of ingress and egress most frequently used by the public.

PRINCIPAL USE

The primary or predominant use of any lot, parcel, structure or building.

PROPERTY LINE

See "lot line."

PROTECTED TREE

Any of the following:

- (1) A tree with a DBH of eight inches or more, regardless of location.
- (2) A tree with a DBH of three inches or more located in a wetland, watercourse buffer or watershed buffer (as defined elsewhere in Village Code).
- (3) A tree with a DBH of three inches or more located on a slope of 25% or greater.
- (4) A tree that has been planted as a specific requirement of site development plan approval or as part of a previous replanting or restoration agreement.
- (5) A tree of historic or unique value to the Village (as defined herein).
- (6) A tree with a DBH of three inches or more designated by the New York State Department of Environmental Conservation as a protected native plant for our region. ~~Any deciduous or evergreen~~

perennial plant, usually having one main stem or trunk and more or less definitely formed, whose trunk has a diameter of eight inches or more (25 inches in circumference) at a height of 54 inches (4 1/2 feet) measured from the average natural grade at the base of the tree. Protected trees shall also include any tree, regardless of size, that has been found by the Tree Commission (TC) to have historic or unique value to the Village, as defined above.

PUBLIC PROTECTED TREE

Any of the following:

- (1) A tree with a DBH of eight inches or more located on lands owned by the Village or land upon which property rights such as easements are imposed for the benefit of the Village.
- (2) A tree, regardless of size, planted in a designated tree well or curbside in the public right-of-way.

RARE AND ENDANGERED SPECIES OF TREES

"Rare species" shall mean those species of plants that have small populations within their ranges in the state; "endangered species" shall mean those species of plants in danger of extinction throughout all or a significant portion of their ranges within the state and requiring remedial action to prevent such extinction of trees.

REDUCTION OF USE

An objectively measurable diminution in the number, character or extent of a use taking place on a property. For a diminution to be considered a reduction for the purposes of this chapter, the use must persist at a level below its previous level for a period of at least 12 consecutive months.

RECREATIONAL FACILITIES, WATER-RELATED

Public or private recreational facilities in a waterfront zoning district, including daytime mooring or docking facilities to accommodate visitors, nonmotorized watercraft rental stores, and other similar uses.

REHABILITATION

The act or process of repairing, altering, and/or adding on to a structure while preserving those portions or features of the property which convey its historical, architectural and cultural values.

[Added 6-13-2017 by L.L. No. 4-2017]

REPAIR

Acts of ordinary maintenance that do not include a change in the design, material, form, or outer appearance of a resource, such as repainting. This includes methods of stabilizing and preventing further decay, and may incorporate replacement-in-kind or refurbishment of materials on a building or structure.

[Added 6-13-2017 by L.L. No. 4-2017]

REPLANTING AGREEMENT

A written agreement between the property owner and the Village specifying types and sizes of trees and/or shrubs to be planted as replacements for those that have been removed.

RESTAURANT, USES

An establishment where meals, including beverages, are served to customers for consumption on the premises pursuant to required licenses.

RESTORE

The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of

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mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

[Added 6-13-2017 by L.L. No. 4-2017]

RESUBDIVISION

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

RETAIL SALES AND SERVICE USES

Establishments involved in the sale, lease or rent of new or used products to the general public and establishments involved in the sale of personal services, hospitality services, or product repair services to the general public.

RETAIL SALES AND SERVICE USES, SALES ORIENTED

Stores selling, leasing or renting consumer, home and business goods, including, but not limited to, antiques, appliances, art, art supplies, bicycles, carpeting, clothing, delicatessens, dry goods, electronic equipment, fabric, flowers, food for consumption off site, furniture, garden supplies, gifts, groceries, hardware, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, takeout food, videos. Also includes retail establishments that have a cottage industry component, such as bakeries, confectioneries, upholsterer, and similar.

RETAIL SALES AND SERVICE USES, PERSONAL SERVICE ORIENTED

Establishments engaged in providing retail services, including, but not limited to, banking establishments, laundromats, catering services, dry cleaners, tailors, shoe repair, photographic studios, photocopy services, quick-printing services, blueprint services, beauty salons, tanning salons, therapeutic massage establishments, taxidermists, mortuaries, funeral homes, and crematoriums. This use type shall not include tattooing operations, which are prohibited in the Village of Dobbs Ferry except when performed for medical purposes by a person licensed to practice medicine or osteopathy.

RETAIL SALES AND SERVICE USES, REPAIR ORIENTED

Repair of consumer goods, such as electronics, bicycles, office equipment, appliances.

RETAIL SALES AND SERVICE USES, OUTDOOR STORAGE AND DISPLAY ORIENTED

Uses that typically include large areas of outdoor storage or display, such as lumberyards, sales of landscaping materials and nursery products, equipment rental businesses.

RIDGE

The topmost edge or point of a pitched roof.

RIDGE HEIGHT, PREVAILING

The average ridge height 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 facade 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 § 300-17C.

SCENIC LANDMARK

Structures that are not buildings but may include structures, features or resources such as bridges, piers, parks, gateways, cemeteries, sidewalks, clocks, and trees, which meet the criteria for an historic landmark.

SCHOOL, PRIVATE ELEMENTARY OR SECONDARY

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Private schools at the primary, elementary, junior high, or high school level that provide state-mandated basic education, including such schools owned or operated by a religious entity, boarding schools, military academies.

SCHOOL, PUBLIC ELEMENTARY OR SECONDARY

Public schools at the primary, elementary, junior high, or high school level that provide state-mandated basic education.

SCHOOL, SPECIALIZED

Schools primarily engaged in offering specialized trade, business or commercial courses. Also, specialized non-degree-granting schools, such as music schools, dramatic schools, dance studios, martial arts studios, language schools and other short-term examination-preparatory schools.

SEASONAL

Of or relating to the conducting of a use for a period not exceeding six months in any calendar year.

SETBACK

The least horizontal distance from any building to the nearest street or highway right-of-way or to a lot line.

[Image]

SETBACK, FRONT YARD

At any story level, the minimum distance between the front lot line or its vertical projection and the front walls of the building, excluding roof projections such as eaves, rakes and soffits and trim details and other ornamental projections.

SETBACK, REAR YARD

At any story level, the minimum distance between the rear lot line or its vertical projection and the rear walls of the building, excluding roof projections such as eaves, rakes and soffits and trim details and other ornamental projections.

SETBACK, SIDE YARD

At any story level, the minimum distance between the side lot line or its vertical projection and the side walls of the building, excluding roof projections such as eaves, rakes and soffits and trim details and other ornamental projections.

SIGN

Any material, structure or device, including awnings, composed of letters, pictures or symbols designed or used for the purpose of attracting, or which does attract, the attention of the public to the subject matter thereof; and located out-of-doors, on the exterior of a building, or inside the building within three feet of the window or in a manner to be viewed primarily by passersby by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images, but excluding the American flag or other governmental flags, athletic scoreboards on school premises, or official announcements and signs of government. Any striping, lighting, corporate color schemes and other graphic design intended to serve as to attract attention will be defined as a "sign." The following are definitions of specific sign types:

A. ABANDONED SIGN Any sign which:

- (1) Is located on a building or property which becomes vacant and remains unoccupied for a period of 60

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days or more;

- (2) Pertains to a time, event or purpose that no longer applies;
- (3) Advertises or pertains to a business, activity, product or service no longer conducted or offered on the premises; or
- (4) Pertains to a product or service other than the one offered on such premises.

~~B. **ADVERTISING SIGN** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot on which the sign is located.~~

C. **ANIMATED SIGN** Any sign manifesting kinetic or illusory motion caused by natural, mechanical, manual, electrical or other means.

D. **AWNING SIGN** Any projecting sign that is painted on, printed on or attached to a surface fabricated of nonrigid materials attached to a structural frame which is supported by the exterior wall of a building.

~~E. **BILLBOARD SIGN** Refer to definition of "off-premises sign."~~

F. **FLASHING SIGN** Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are not defined as "flashing signs."

G. **FLAT SIGN** Any sign that is painted on or attached to the exterior of a building with the face of the sign in the plane parallel to such wall, which does not project more than 12 inches from the wall.

H. **FREESTANDING SIGN** Any sign supported by structures or supports that is placed on, or anchored in, the ground and that is independent from any building or other structure, but excluding monument signs, including, but not limited to pole signs, pylon signs, A-frame and masonry wall-type signs.

I. **ILLUMINATED SIGN** Any sign, including but not limited to neon and neon window borders, in or upon which an artificial light source is used to illuminate the information and graphics of the sign. Illuminated signs include the following:

- (1) Self-illuminated, wherein the light source itself is shaped and utilized to form the sign (e.g., neon or an array of individual lamps).
- (2) Self-illuminated — internal, wherein a translucent or opaque material that forms the sign is backlit by the light source and the light source is enclosed from direct view.
- (3) Externally illuminated — direct, wherein the sign is illuminated by a light source placed in a manner to cast light upon the sign. Direct external illumination may be either enclosed or exposed.
- (4) Externally illuminated — indirect, wherein the sign is illuminated by ambient light.

~~J. **INSTITUTIONAL SIGN** A sign that identifies or describes the services or functions of premises or facilities used, maintained, or owned by any not-for-profit educational institution, church, religious society, fraternal organization, public utility, hospital or any other similar organization.~~

~~K. **MEMORIAL or TABLET SIGN** The permanent part of a building that denotes the name of the building, date of erection, historical significance, dedication or other similar information.~~

L. **MONUMENT or GROUND SIGN** Any detached sign on the same lot or parcel as the use it advertises

which has its bottom portion attached to a base or plinth, integrated ground planter box, or structural frame.

- ~~M. **NEON SIGN** An illuminated sign, typically constructed of a glass discharge tube that has been shaped to form letters or symbols, and which contains a gas or vapor (typically neon or mercury) that emits light when voltage is applied across electrodes at either end of the tube.~~
- N. **NONCONFORMING SIGN** Any sign that is not in compliance with this chapter.
- O. **OFF-PREMISES SIGN** Any sign which advertises an establishment, products, services or entertainment which are not present, sold or distributed on the premises where the sign is located.
- ~~P. **POLE SIGN** One or more stationary poles or pylons supporting a freestanding sign, located on the same lot or parcel as the use it advertises.~~
- ~~Q. **POLITICAL SIGN** temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.~~
- ~~R. **PORTABLE SIGN** a sign that is not permanently affixed to a building or structure or the ground, and that may be readily moved or relocated, such as a "sandwich sign."~~
- S. **PROJECTING SIGN** Any sign which is attached to the building wall or structure and which extends horizontally from the plane of such wall or structure more than 12 inches.
- ~~T. **PYLON SIGN** See "pole."~~
- U. **REPRESENTATIONAL SIGN** Any three-dimensional sign built to physically represent the object advertised.
- V. **ROOF SIGN** Any sign mounted over or on the roof or parapet of a building.
- W. **TEMPORARY SIGN** Any sign not permanently mounted and related to a single activity or event having a limited duration of 30 days or less, including but not limited to campaigns or elections, grand openings, special sales and going-out-of-business signs.
- X. **WALL SIGN** Any painted sign, letter, word, model, device or representation that may be affixed to the front, side or rear wall of any building and in the same plane as the face of the wall and which does not project more than 12 inches from that wall.
- Y. **WINDOW SIGN** Any sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside the building within three feet of a window, which is designed or intended to be visible from the exterior of the building.

SIGNIFICANT STANDS OF TREES

Five or more trees of the same species clustered to form the same dripline.

SITE PLAN

A development plan of one or more lots or parcels meeting the requirements of this chapter.

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 chapter, determined by projecting a forty-five-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 determine the average grade and when considering compliance. The base points for establishing the sky exposure plane shall be located in a 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. See diagram below.

[Image]

SLOPE

The deviation of a surface from the horizontal, measured as the vertical distance (rise) divided by the horizontal distance (run), and expressed in percent or degrees.

SPECIAL PERMIT USES

A use requiring a special use permit.

SPECIMEN TREE

A tree 24 inches or greater in diameter at a height of 54 inches (4 1/2 feet) or a tree of notable size above the natural grade, type and uniqueness.

STANDARD

"Standard" means a definite rule, principle or measure established by authority and with which compliance is mandatory unless expressly waived or varied according to this chapter.

STORE FRONTAGE

When used in reference to the sign standards of § 300-50, the length along the front property line of any commercial or nonprofit establishment along a street within the Village.

STOREFRONT WINDOW

A window common to commercial properties, generally consisting of a large glass window facing the street or public area in a commercial area.

STORMWATER MANAGEMENT

The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORY

That portion of a building between the surface of any floor and the surface of the floor above or, if there is no floor above it, then the space between any floor and ceiling next above it. In the downtown districts, the number of permitted stories shall be calculated from the building frontage on the public right-of-way fronting on Broadway (Route 9), Ashford Avenue, Cedar Street or Main Street. When the grade creates multiple stories below Main Street in the DT Zone, the Board of Trustees, in its sole discretion, may allow the permitted stories below Main Street and three stories above Main Street. The Board of Trustees has the sole discretion to limit the number of stories below and above grade in the DT Zone.

STORY, FIRST

The lowest story or the ground story of any building. In the downtown districts, the first floor of a building which provides at-grade direct access or egress onto the public sidewalk shall be considered a story, regardless of whether or not it meets the standards of being considered a basement.

STORY, HALF (1/2 STORY)

The attic under a sloping roof, the floor of which is not more than two feet below the wall plates, having a ceiling height of seven feet six inches or more. If the total attic floor area having a floor-to-ceiling height of seven feet six inches or more exceeds 50% the floor area of the story below, it shall be deemed a full story.

See "half-story."

STREET

Any public or private street, avenue, boulevard, road, parkway, thoroughfare, court, viaduct, drive, lane or other way which is an existing state, county or municipal roadway; or which is shown upon a plat heretofore approved pursuant to law; or which is approved by official action as provided by statute; or which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

STREET, ARTERIAL

A street which is used primarily for fast or heavy traffic.

STREET, COLLECTOR

A street which carries traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

STREET FRONTAGE

The length along the curb or, when a curb is not provided, along the paved surface in the right-of-way of a street adjacent to a parcel of property measured from the projection of the property line most perpendicular to the street at one end of the parcel to the projection of the property line most perpendicular to the street at the other end of the parcel.

STREET LINE

The curbline or edge of paving when a curb does not exist.

STREET, MINOR

A street which is used primarily for access to abutting properties and not for through traffic.

STREET, PRIVATE

A street which is owned by a private entity or is otherwise not a public street as it is defined in this chapter.

STREET, PUBLIC

A street which is owned, accepted by dedication or has been maintained as a public street by the Village, the county or the state, and which may be utilized by the general public at all times.

STRUCTURE

Anything that is developed with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include but are not limited to walls, buildings, fences, signs and

swimming pools, but structures do not include grade-level terraces, walkways, driveways or other paved surfaces.

STRUCTURAL ALTERATION

Any change in the supporting members of a building or structure, such as walls, columns, beams or girders, or mountings in the case of a sign.

STUDIO FOR ARTISTS AND CRAFTSPERSONS

The workshop for an artist or craftsman where goods are produced primarily on site but where such goods are generally not offered for sale.

SUBDIVISION

The division of any parcel of land into a number of lots, blocks or sites as specified in a law, rule or regulation, with or without streets or highways, for the purpose of sale, transfer of ownership, or development. The term "subdivision" may include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the County Clerk or register of the county in which such plat is located.

TELECOMMUNICATIONS TOWER

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, wireless telephone towers, alternative tower structures, and the like. The term shall include the structure and any support thereof.

TOWNHOUSE

Two or more side-by-side attached dwelling units sharing one or more common walls, with each dwelling unit located on a separate lot.

TREE

Any woody plant having at least one well-defined trunk at least six inches in diameter (19 inches in circumference) measured at a height of 54 inches (4 1/2 feet) above the natural grade and having a clearly defined crown.

TREE COMMISSION (TC)

As defined in Article VI of this section.

TREE FUND

A special purpose fund into which shall be deposited any penalties for violations or payments in lieu of restoration/replanting which shall be used at the discretion of the Village Board of Trustees to promote the intent and purpose of this section, including the purchase and maintenance of trees, shrubs, plants and green spaces. The Board of Trustees may request from, and/or consider a written recommendation initiated by, the Tree Commission as to the use of the funds. The Village Board of Trustees shall establish any fee or basis of payments in lieu of replanting and same shall be included in the master fee schedule and be revised in accordance with Chapter 175.

TREE OF HISTORIC OR UNIQUE VALUE

A tree with unique or noteworthy characteristics or intrinsic value, including, but not limited to, species, age, location, historical significance, ecological value, or incomparable or irreplaceable aesthetic benefit to the community or environment. Examples include:

- (1) "Champion" tree listed on an accredited tree registry or shown to be of comparable size to such listed tree.
- (2) Rare or endangered species on federal or state lists.

(3) Specimen tree exhibiting qualities such as noteworthy leaf color or shape, peeling bark, floral display, fruit, overall form or habit, unique wildlife habitat support, or rarity.

TREE REMOVAL

The physical removal of a tree or causing the death of a tree through damage, poison or other direct or indirect action.

TREE REMOVAL (TR) APPLICATION

A completed form entitled "Tree Removal Permit Application" available from the Building Department or the Village website, to be submitted by any party wishing to remove one or more protected trees as outlined herein.

TREE REMOVAL PERMIT

A permit approved and duly issued pursuant to the terms of this section. The permit consists of a written document in form determined by the Building Department acknowledging which trees have been approved for removal and is accompanied by a permit sign to be posted publicly. The permit may also include additional compliance requirements such as a replanting agreement or landscape plan.

TREE RISK ASSESSMENT

A determination of the extent to which a tree is hazardous using an industry-wide rating scale taken from "A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas" published by the International Society of Arboriculture. Risk is rated by evaluating the probability of failure of the tree, its size and the targets that could be damaged if it fails.

USE CATEGORY

A category of uses within a use group. Use categories are based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

USE GROUP

The broadest grouping of land uses in this chapter, based on generally accepted industry groupings, similar descriptions of planning goals or functions, similar allowed use categories, and similar allowed density/intensity of use. A use group may be further subdivided into use categories.

UTILITY DISTRIBUTION LINE VEGETATIVE MANAGEMENT

The procedure by which ~~electrical~~-utility companies manage potential or existing conflict between power lines and vegetation, for the purpose of thereby minimizing tree-related power outages. While most vegetative management involves tree trimming, trees that pose hazards to power lines because of ill health, proximity to the lines or other problems may be determined to be hazardous by the utility's arborist and be removed.

VARIANCE

Permission to use property in a manner that does not comply with the literal requirements of this Zoning Ordinance.

- A. **VARIANCE, AREA**The authorization by the Zoning Board of Appeals for a modification of the area and/or dimensional requirements in a zoning district. Permitted modifications of parking requirements shall be considered an area variance.
- B. **VARIANCE, USE**The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the Zoning Ordinance.

VEHICLE RELATED USE, GENERAL

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General vehicle-related uses include limited service of passenger vehicles and the sale of vehicle parts, with outdoor storage limited to 25% of the lot size and all mechanical work performed within an enclosed building.

VEHICLE RELATED USE, INTENSIVE

Intensive vehicle-related uses allow for the sales and service of motor vehicles, including heavy vehicles and equipment. Outdoor storage areas for vehicles, parts or other supplies may exceed 25% of the lot size.

VIEWING PLATFORM

A location within the Village identified on the View Preservation Map as providing a view of value to the community.

VILLAGE

The Village of Dobbs Ferry.

VILLAGE ENGINEER

The Village Engineer of the Village of Dobbs Ferry/Village Consulting Engineer.

VILLAGE LAW

The Village Law of the State of New York.

VISION PLAN

~~Synonymous with a~~ A comprehensive plan adopted ~~by the Board of Trustees~~ pursuant to § 7-722 of the Village Law, 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.

WALL, RETAINING

—A structure or partition specifically engineered, designed and installed to retain or prevent sliding and/or erosion of the adjacent upland.

WAREHOUSE AND FREIGHT MOVEMENT USES

Facilities involved in the storage ~~and/or~~ movement of goods for themselves or other ~~entities~~~~firms~~. Goods are generally delivered to other ~~entities~~, ~~locations~~ ~~firms~~ or the final consumer, except ~~that for some will-call pickups may be permitted~~. There is little ~~to no~~ on-site sales activity with the ~~consumer~~~~customer~~ present.

WATERCOURSE

Any swale, ditch, gully, stream, brook or river wherein water flows ordinarily, frequently or infrequently, but not necessarily continuously. This definition includes watercourses which have been artificially treated, realigned or improved.

WETLANDS

Any area which meets one or more of the following:

- A. Lands and waters of the state that meet the definition provided in § 24-0107, Subdivision 1, of the New York State Freshwater Wetlands Act (see Article 24 and Title 23 of Article 71 of the Environmental Conservation Law) and have an area of at least 12.4 acres or, if smaller, have unusual local importance as determined by the Land Use Officer pursuant to § 24-0301, Subdivision 1, of the Act. The approximate boundaries of such lands and waters are indicated on the official freshwater wetlands map promulgated by the Commissioner pursuant to § 24-0301, Subdivision 5, of the Act or such a map that

has been amended or adjusted pursuant to § 24-0301, Subdivision 6, of said Act.

- B. Lands and waters of the state that meet the definition provided in § 25-0103, Subdivision 1, of the New York State Tidal Wetlands Act (see Article 25 of the Environmental Conservation Law). The approximate boundaries of such lands and waters are indicated on the official tidal wetlands inventory promulgated by the Commissioner pursuant to § 25-0201 of the Act or such an inventory that has been amended or adjusted pursuant to § 25-0201, Subdivision 6, of said Act.
- C. All other areas that comprise hydric soils or are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of hydrophytic vegetation as defined by the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989).

WIRELESS TELECOMMUNICATION SERVICES FACILITIES

Facilities for the transmission of analog or digital voice or communications information between or among points using electromagnetic signals via antennas, microwave dishes, and similar structures. Supporting equipment includes cabinets, towers, electrical equipment, generators, and other similar or accessory structures.

YARD, FRONT

The space within and extending the full width of the lot from the front lot line to the part of the principal building which is nearest to such front lot line, excluding roof projections such as eaves, rakes and soffits and trim details and other ornamental projections. The depth of the front yard shall be measured at right angles to the front lot line.

YARD, REAR

The space within and extending the full width of the lot from the rear lot line to the part of the principal building which is nearest to such lot line, excluding roof projections such as eaves, rakes and soffits and trim details and other ornamental projections. The depth of the rear yard shall be measured at right angles to the rear lot line.

YARD, SIDE

The space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line, excluding roof projections such as eaves, rakes and soffits and trim details and other ornamental projections. The depth of the side yard shall be measured at right angles to the side lot line.

ZONING BOARD OF APPEALS

The Village Zoning Board of Appeals as established pursuant to New York Village Law and the Dobbs Ferry Village Code.

ZONING MAP

The Zoning Map or Maps of the Village of Dobbs Ferry, New York, together with any amendments thereto as may be subsequently adopted.

§ 300-15 Use group and category definitions.

A. General.

- (1) Use groups. This chapter classifies land uses into major groupings: residential, civic and institutional, industrial and other. These are referred to as "use groups."
- (2) Use categories and subcategories. Each use group is further divided into more specific "use categories." Use categories classify land uses and activities based on common functional or

physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and potential impacts on adjacent properties or areas. Subcategories may be provided for some use categories and may be subject to differing zoning district or use-specific standards.

- (3) Examples. Typical uses cited as examples of the use categories and subcategories are not intended to be exclusive or restrictive.

B. Residential use group. The residential use group includes uses that provide ongoing living accommodations to one or more persons. The residential use group includes the following use categories:

- (1) Group living uses. Residential occupancy of a dwelling by other than a "family," typically providing communal kitchen/dining facilities. **Examples shall include:**
 - (a) Group home.
 - (b) Retirement home, nursing home, or assisted living facility.
- (2) Household living. **Examples shall include:**
 - (a) Cluster development.
 - (b) Mixed-use residential.
 - (c) Multifamily **dwellingbuilding**.
 - (d) Multifamily housing complex.
 - (e) One-family dwelling.
 - (f) Townhouse.
 - (g) Two- or three-family dwelling.

C. Commercial uses. The commercial use group includes the following use categories:

- (1) Adult uses. **Examples shall include** adult arcades, adult bookstores, adult video stores, adult model studios, adult motels, adult theaters, adult entertainment cabarets and peep shows.
- (2) Animal-related uses. Commercial services related to the temporary care, boarding or medical treatment of animals. Uses are divided into two subgroups based on the intensity of the use, outdoor activity on the site, and the potential for noise- and odor-related externalities.
 - (a) General.
 - (b) Intensive.
- (3) Bar or tavern uses.
- (4) Country club.
- (5) Entertainment or recreation uses. Commercial facilities used primarily for physical exercise, recreation, entertainment or culture. Uses are divided into two subgroups based on indoor or outdoor operations.

- (6) Lodging uses. **Examples include:**
 - (a) Bed-and-breakfast.
 - (b) Hotel.
 - (c) Inn.
- (7) Office uses. Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services. Uses are divided into two subgroups based on land use impacts.
 - (a) General.
 - (b) Medical and dental.
- (8) Parking uses, nonaccessory.
- (9) Restaurant uses. These uses may vary with regard to traffic generation, congestion and the potential for off-site impacts due to accessory uses such as outdoor dining or drive-through facilities. Therefore, the size, location and accessory uses permitted may be regulated differently based on the underlying zoning district.
- (10) Retail sales and service uses. Uses are divided into the following subgroups:
 - (a) Sales oriented.
 - (b) Personal service oriented.
 - (c) Repair oriented.
 - (d) Outdoor storage and display oriented.
- (11) Studio for artists and craftspersons.
- (12) Vehicle-related uses. Sales of motor vehicles or services related to motor vehicles. Uses are divided into two subgroups based on the intensity of the use, vehicle types sold or serviced, amount of outdoor service or storage, and the potential for noise- and odor-related externalities.
 - (a) General. Examples include:
 - [1] Car washes and auto detailing;
 - [2] Gasoline filling stations, other than truck stops, with no on-site vehicle repair; and
 - [3] Retail sales of passenger vehicle parts.
 - (b) Intensive. Examples include:
 - [1] Vehicle repair and servicing, including the installation of vehicle parts;
 - [2] Vehicle sales or rental; and
 - [3] Vehicle storage yards, including towing and wrecker services.

D. Civic and institutional uses. The civic and institutional use group includes uses that provide public or

quasi-public services. The public and civic use group includes the following use categories:

- (1) Clubhouses, community centers, and places of worship.
- (2) Day-care and nursery schools.
- (3) Educational uses. ~~Public and private~~ Schools that provide state-mandated primary and secondary generalized education, higher education, and schools for specialized activities, such as dance, music, martial arts, business, and technical skills. Uses are divided into the following subgroups:
 - (a) Private elementary or secondary school.
 - (b) Public elementary or secondary school.
 - (c) Specialized schools.
 - (d) Higher learning.
- (4) Hospitals.
- (5) Water-related recreation facilities.

E. Industrial uses. The industrial use group includes the following use categories:

- (1) Industrial service uses. Examples include: building contractor facilities, yards and preassembly yards; welding shops; machines shops; tool repair; electric motor repair; repair of scientific or professional instruments; building, heating, plumbing or electrical contractors; exterminators; janitorial and building maintenance services; laundry, dry-cleaning, and carpet-cleaning plants; schools for industrial trades.
- (2) Manufacturing and production uses. Facilities used in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquors. Uses are divided into two subgroups based on the potential for noxious impacts, amount of outdoor storage and operations, and the demand for heavy truck traffic.
 - (a) General. Examples may include, but are not limited to, production or repair of small machines or electronic parts and equipment; the manufacturing or repair of musical instruments; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; and manufacturing of jewelry, clothing, trimming decorations, and any similar item.
 - (b) Intensive. Examples may include, but are not limited to, manufacture or assembly of machinery, equipment, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; and lumber, pulp and paper mills. Specifically prohibited are rendering, petroleum refining, asphalt/concrete plants, and manufacture of chemicals, fertilizers, paint and turpentine.
- (3) Warehouse and freight movement uses. Examples include: separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; major wholesale distribution centers; truck and air freight terminals; railroad switching yards; bus and railcar storage lots; taxi fleet parking and dispatch; fleet parking; parcel services; major postal facilities; grain terminals; and the stockpiling

of sand, gravel and other aggregate materials.

F. Other uses.

(1) Wireless telecommunication services facilities. **Examples shall included:**

- (a) Antennas (co-location on existing tower or building-mounted).
- (b) Freestanding towers.

(2) Landscaping and tree services.

G. Accessory uses.

(1) Accessory buildings **or structures**. Examples in a residential setting include private garages, toolhouses, children's playhouses or noncommercial greenhouses.

(2) Accessory dwelling unit.

(3) Drive-through facilities.

(4) Garage, private.

(5) Home businesses.

(6) Home occupation.

(7) Outdoor dining.

(8) Outdoor storage (nonresidential).

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 300-34 **Measurements and exceptions.**

A. Lot area.

(1) General requirements.

- (a) Every lot located in a residential district and created by final subdivision plat approval by the Planning Board after September 15, 1987, shall be capable of containing a rectangle or square wholly within its boundaries. Such rectangle or square shall contain 80% of the minimum required lot area as set forth in Appendix B, Dimensional Tables. The least dimension of such rectangle or square shall be not less than 80% of the minimum required lot width as set forth in such schedules.
- (b) For subdivisions of over five lots, the Planning Board shall have the option to modify the provisions of Subsection **A(1)(a)** above where the applicant has demonstrated to the satisfaction of the Board that such modification is appropriate.
- (c) No lot shall be so reduced in area such that any required open space will be smaller than is prescribed.

(2) ~~Reductions for steep slope areas. In order to protect environmentally sensitive lands, preserve the Village's natural resources and promote the orderly development of land through standards that acknowledge the varied topography in Dobbs Ferry, net lot area shall be determined as the gross lot area less:~~

- ~~(a) Fifty percent of the gross area of a lot with slopes measuring 25% or greater.~~
 - ~~(b) Twenty-five percent of the gross area of a lot with slopes measuring more than 15% but less than 25%.~~
 - ~~(c) Sloped areas with a horizontal dimension of less than five feet and/or an area of less than 150 square feet may be considered an anomaly by the Planning Board and not deducted from the site area as otherwise required above.~~
- (3) ~~Measurement of slopes. Slope shall be determined based on a survey indicating contour lines at two-foot or smaller intervals. Where a parcel contains distinct sections of differing slope, the average slope of each section may be determined according to the following contour measurement formula:~~

$$S = \frac{0.00229(I \times L)}{A}$$

~~A~~

~~Where:~~

~~S = Average slope of area (in percent)~~

~~A = Total number of acres in the sloped area for each section~~

~~L = Length of contour lines in scaled feet~~

~~I = Vertical distance of contour interval in feet~~

B. Setbacks. Setbacks refer to a required distance between a building and any lot line. The combination of

front, rear and side setbacks define an area, known as the "building envelope," in which buildings are permitted by right. The area between the lot line and the building is known as a "yard," the minimum size of which is prescribed by the setback requirement.

- (1) Required setbacks. Setbacks shall be unoccupied and unobstructed by any structure or portion of a structure from 30 inches above grade upward; provided, however, that fences, walls, trellises, poles, posts, ornaments, furniture and other customary yard accessories may be permitted in any setback, subject to height limitations and requirements limiting sight obstruction.
- (2) Measurement of setbacks. Setbacks shall be measured at right angles from the appropriate lot line to that part of the building nearest that lot line. Front setbacks are measured from the front lot line; rear setbacks are measured from the rear lot line; and side setbacks are measured from the nearest side lot line. Wherever the lot line is irregular or curved, the setback shall follow such irregularities or curves.
- (3) Setbacks at district boundaries. Where the side or rear of any lot abuts a district boundary line, that abutting rear or side setback shall have the dimensions required by the more restrictive of the adjoining districts.
- (4) Permitted projections into required setbacks. The following structures may project into required front, side or rear setbacks as specified in this subparagraph without the requirement to obtain a variance. Except as otherwise noted, such projections shall not be considered in determining building coverage.
 - (a) Paved terraces. Paved terraces may project into any required setback, provided that no structures placed there violate other requirements of this chapter.
 - (b) Incidental architectural features. Cornices, eaves, canopies, sunshades, gutters, window wells, chimneys, belt courses, headers, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than two feet into any right-of-way or required setback.
 - (c) Porches. An unenclosed one-story porch may project into a required front, side or rear setback, and up to 75 square feet of said porch shall not be included in determining building coverage when meeting the following standards:
 - [1] The porch does not project more than 50% or 10 feet, whichever is less, into any setback;
 - [2] The length of the porch is no more than 50% of the total length of the building facade at the required setback line;
 - [3] The porch must not be enclosed, other than by a railing;
 - [4] No porch shall be closer than four feet at any point to a front, side or rear lot line, except in a zoning district that does not require a setback (e.g., minimum setback is zero feet); and
 - [5] No building shall have porches that project into more than one required side setback.
 - (d) Bay windows. A bay window that is not more than eight feet in width where it breaks the plane of the wall may project no more than two feet into any required setback, so long as there is at least 12 feet between the subject bay window and any opposing building wall or bay window on an adjacent lot.
 - (e) Fences, walls and retaining walls. Fences and retaining walls may project into any required setback, provided that they are consistent with all other requirements of this chapter.
- (5) Modifications of front setback requirements.
 - (a) Prevailing setback.

- [1] Any building erected after the passage of this chapter may project into the required front setback when the prevailing setback, as determined below, results in a minimum (or maximum, where applicable) front setback that is different than the required setback.
- [2] Prevailing setback shall be determined as the smaller of the following measurements:
 - [a] The average of the front setback of the two buildings on either side of the subject lot; or
 - [b] The average of the front setback of each building on the same block face as the subject lot; however, in no case shall a building that is more than 200 feet from the subject lot or with a setback of more than 50 feet be included in the calculation.
- [3] Where there is no building on either side or there are buildings only on one side of such new structure within the limits specified, then the minimum depth specified by the dimensional standards of Appendix B shall apply.
- [4] In no case shall a building be required to set back more than 50 feet from any street line.

[Image]

In this example, the minimum required front setback in the underlying zoning district is 20 feet. However, because of the variety in existing setbacks of buildings on the same block face, new development on lot C may be located with a setback of only 15 feet, which is the average of the setbacks of the adjacent lots B and D. Alternatively, the setback may be determined by the average of all the properties on the block face, except that the setback for property A would not be included in the calculation, as the setback is more than 50 feet.

- [5] Where the natural slope of the ground, as shown by the contours of a topographic survey, measured from the front lot line to the midpoint of the lot or to the rear lot line, whichever yields the greater slope, exceeds a grade of one foot in four feet, the required front yard may be reduced by 50%, provided that the rear yard is increased by the same amount.
- (6) Modifications of rear setback requirements.
 - (a) The required rear yard setback for a lot that is less than 100 feet deep may be reduced by 1/4 of the difference between the actual lot depth and 100 feet, provided that no rear yard in a residential zoning district shall be less than 20 feet in depth. For example, a lot with an eighty-foot depth could reduce the required rear yard by five feet, or one-quarter of the twenty-foot difference between the actual depth (80 feet) and 100 feet.
 - (b) No rear yard is required for a through lot in a downtown or commercial district if a court facing upon a side lot line of equal area as the required minimum rear yard is provided instead.
- (7) Modifications of side setback requirements. Where the slope of a lot, as shown by the contours of a topographic survey, measured from one side lot line to the other or from one side lot line to the midpoint of such lot, exceeds a grade of one foot (rise) in four feet (run), one side yard may be reduced to a ten-foot minimum, provided the other side yard is increased accordingly to meet the minimum combined side yard requirement. All such reductions may be made upon the evidence contained in a certified topographic survey.

C. Height.

- (1) Church spires, belfries, towers designed for purely ornamental purposes, chimneys, standpipes, water towers, bulkheads, elevator enclosures and water tanks shall be exempt from the provisions of Appendix

B, Dimensional Tables, provided that their aggregate area at mid-height is not greater than 20% of the total area of the roof.

- (2) All penthouses, bulkheads, standpipes and water towers shall be a minimum of 10 feet inside of the front and rear walls of a building and a minimum of five feet inside of the side walls, except that the walls of elevator and stair enclosures may be built on a side wall.

- D. Impervious coverage. The maximum impervious coverage requirements of this chapter may be adjusted by the Village to acknowledge the use of semipervious materials in direct relation to the permeability of the material used and the coverage of that material relative to the gross lot area.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 300-42 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. Fences that do not meet the requirements of this chapter shall be submitted to the AHRB for approval of materials and to the Zoning Board of Appeals for approval of height and opacity.
- (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. Except as set forth in Village Code § 300-18, all walls requiring a building permit shall be submitted to and approved by the AHRB.

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 and shall be limited to a height of set forth in Subsections B(2) and B(3). Retaining walls are excluded.
 - (c) ~~For compliance with Subsection B(1)(b) above, fences or walls located on top of retaining walls or berms shall be limited to a the height of four feet as set forth in Subsections B(2) and (3) 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 opacity (that is, it shall obscure no more than 60% of the view into the land).
 - (3) Nonresidential 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 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

Commented [A1]: Is "Wall" defined so as to make it different from a Fence?

court, athletic field, swimming pools, 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 services 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.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 300-46 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 ~~steep slopes~~ ~~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~~ construction away from those features or areas;
- (2) ~~Priority for protection shall be given to the features listed below. New construction shall be avoided to the greatest extent practicable as practicable as possible in areas having with the below natural features.~~ These features have not been listed in any order of significance. The relative significance of individual features shall be determined by the ~~Planning Board~~ board having approval jurisdiction.
 - (a) Slopes of greater than ~~25%~~ 15% but less than 35%;
 - (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; and
 - ~~(f) Historic, cultural or archaeological 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 board having approval jurisdiction ~~Planning Board~~ through the site review process.

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. Development shall not be permitted in any area measuring 1,500 square feet or more with a slope of 35% or greater, subject to the following exceptions:

- (1) The ~~Board of Trustees' and the Planning Board's~~ justification for the board having approval jurisdiction to permit ~~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:
 - (a) In considering disturbance and development within steep sloped areas, the board having approval jurisdiction ~~Board of Trustees and the Planning Board~~ shall require the

implementation of appropriate engineering methodologies to prevent slope instability, erosion and/or sedimentation.

- (b) The ~~board having approval jurisdiction Board of Trustees and the Planning Board~~ may ~~permit allow~~ a driveway to cross an area with a ~~thirty-five percent~~ 35% or greater slope to facilitate access to a developable portion of a site when no other reasonable alternative exists.

~~(2) Building in areas with more than twenty-five percent slope or areas containing slide potential and other geotechnical hazards shall be avoided unless no alternative building site is available. [Added 6-14-2011 by L.L. No. 6-2011]~~

D. View protection.

- (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 ensure 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.
- (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 shall be subject to a view analysis during site plan review. (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.

~~E.—Tree protection.~~

~~(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. [Amended 6-14-2011 by L.L. No. 6-2011]~~

~~(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 section.~~

- ~~(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 § 300-14, on any developed property, unless said person shall have obtained approval pursuant to this section.~~
- ~~(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 section will take away the powers of the Superintendent of Public Works dealing with public tree preservation. [Amended 6-14-2011 by L.L. No. 6-2011]~~
- E. Floodplains. 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.
- F. Wetlands. 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. 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.~~

ZONING AND LAND USE

300 Attachment 2

Village of Dobbs Ferry

Appendix B: Dimensional Tables

Table B-1: OF Districts Dimensional Standards
[Amended 6-14-2011 by L.L. No. 6-2011; 7-13-2021 by L.L. No. 3-2021]

Zone	OF-6	OF-5	OF-4	OF-3	OF-2	OF-1
Minimum net lot area (square feet)	5,000	7,500	10,000	15,000	20,000	40,000
Minimum lot width (feet)	50	75	100	100	125	150
Minimum lot depth (feet)	100	100	100	100	125	150
Maximum lot coverage by buildings	27%	25%	22%	20%	18%	15%
Maximum lot coverage by impervious surfaces	54%	44%	40%	40%	40%	30%
Minimum front yard setback (feet)	20	25	25	30	30	40
Maximum front yard setback (feet)	prevailing	prevailing	prevailing	NA	NA	NA
Minimum rear yard setback	25	25	25	25	25	40
Minimum side yard setback (each) (feet)	10	10	12	15	20	20
Minimum side yard setback (both) (feet)	20	25	30	40	50	50
Maximum stories	2½					
Maximum height	As per Tables B-6 and B-7					

Note:

The net lot area is determined by deducting the adjustments specified in § 300-34A(2) from gross lot area.

DOBBS FERRY CODE

Table B-2: MDR, B and MF Districts Dimensional Standards
[Amended 6-14-2011 by L.L. No. 6-2011; 7-13-2021 by L.L. No. 3-2021]

Zone	MDR-1	MDR-2	MDR-H	B	MF-1	MF-2	MF-3	MF-4
Minimum-net lot area (square feet)	5,000	5,000	10,000	5,000	20,000	20,000	20,000	20,000
Minimum lot area per dwelling unit (square feet)	2,500	800	2,500	800	6,000	3,500	2,500	1,750
Minimum lot width (feet)	50	50	50	50	100	100	100	100
Minimum lot depth (feet)	100	100	100	100	100	100	100	200
Maximum lot coverage by buildings	27%	40%	30%	30%	30%	30%	40%	40%
Maximum lot coverage by impervious surfaces	54%	60%	60%	60%	60%	60%	60%	60%
Minimum front yard setback (feet)	20	15	20	prevailing	25	25	50	10
Minimum rear yard setback (feet)	25	25	25	25	30	30	30	30
Minimum side yard setback (each) (feet)	10	10	10	10	25	25	25	10
Minimum side yard setback (both) (feet)	20	20	20	20	50	50	50	20
Maximum stories	2.5	3 ^(a)	3	3	3	3	4	3
Maximum height	As per Table B-6							

Notes:

The net lot area is determined by deducting the adjustments stipulated in § 300-34A(2) from gross lot area.

- (a) Third story must be set back five feet as measured from the front of the building at ground level. For buildings with a building width greater than 40 feet, the five-foot setback shall be measured from the front of the building at ground level within the first 40 feet of building width.

Abbreviations:

- *GP=Grade plane
- *R=Ridge
- *MP=Midpoint of sloped roof
- *TF=Top of flat roof
- *C=Curb

ZONING AND LAND USE

Table B-3: Residential Lot Dimensions and Coverage (Sliding Scales)¹
[Amended 7-13-2021 by L.L. No. 3-2021]

Lot area	Less Than 7,500 Square Feet	At Least 7,500 Square Feet but Less Than 10,000 Square Feet	At Least 10,000 Square Feet but Less Than 20,000 Square Feet	At Least 20,000 Square Feet but Less Than 40,000 Square Feet	40,000 Square Feet or Greater
Minimum lot width (feet)	Lot area/100	Lot area/100	100	100	150
Minimum lot depth (feet)	100	100	100	125	150
Maximum lot coverage by buildings	As per Tables B-1 and B-2	x .82	x .75	x .67	x .56
Maximum lot coverage by impervious surfaces	As per Tables B-1 and B-2	x .82	x .75	x .67	x .56

Note:

¹ Multiplier to be applied to maximum lot coverage by buildings a per Table B-1 or B-2.

Table B-4: Residential Side Yard Setbacks (Sliding Scales)

Lot width	Less Than 75 Feet	Less Than 100 Feet but At Least 75 Feet	Less Than 125 Feet but At Least 100 Feet	Less Than 150 Feet but At Least 125 Feet	150 Feet or Greater
Minimum side yard setback (each) (feet)	10	10	12	15	20
Minimum side yard setback (both) (feet)	20	25	30	35	50

Table B-5: Residential Front and Rear Yard Setbacks (Sliding Scales)

Lot Depth	Less Than 125 Feet	Less Than 150 Feet but at Least 125 Feet	150 Feet or Greater
Minimum front yard setback (feet)	Lot depth/4	30	40
Minimum rear yard setback (feet)	25	40	40

DOBBS FERRY CODE

Table B-6: Residential Building Height (Sliding Scales)¹
[Amended 8-22-2017 by L.L. No. 6-2017; 7-13-2021 by L.L. No. 3-2021]

Roof Pitch (Rise/Run)	0 to 0.25	0.25 to 0.30	Greater than 0.30	Maximum Height to Eave
OF, MDR-1 and GP-R Districts (feet)	30	33	35	28
MF-1, MF-2 and GP-MP/TF Districts (feet)	30	35	40	28
MF-3 District (feet)	40	N/A	N/A	N/A
MF-4 District (feet)	35	40	42	N/A
MDR-2 and C-TF/MP Districts (feet)	37	40	42	N/A
B and C-TF/MP Districts (feet)	40	43	45	N/A

NOTES:

¹Reference § 300-35D(8)(a)[1]-[2].

²Multilier to be applied to maximum lot coverage by buildings as per Table B-1 or B-2.

Table B-7: Residential Context Based Height¹ and Massing Limits² for OFs and MDR-1
[Amended 6-14-2011 by L.L. No. 6-2011; 8-22-2017 by L.L. No. 6-2017; 7-13-2021 by L.L. No. 3-2021]

Requirement	Set Limits	Context Based Limits
Maximum ridge height	Default 30	Maximum 1.25 times the average ridge height of buildings on lots within the context limit area subject property.
Maximum eave height	Default 28	Maximum 1.15 times the average eave height of buildings on lots within the context limit area subject property.
Sky exposure plane OF and MDR-1		A plane set at an angle of 45° projected into 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.

NOTE:

¹Every roof must comply with all the building height requirements.

²Reference § 300-35D(8).

Abbreviations:

*GP=Grade plane

ZONING AND LAND USE

- *R=Ridge
- *MP=Midpoint of sloped roof
- *TF=Top of flat roof
- *C=Curb

DOBBS FERRY CODE

**Table B-8: Downtown Districts Dimensional Standards
[Amended 8-22-2017 by L.L. No. 6-2017]**

Requirement		DB	DT	DG
Building height	Maximum stories	3	3 ^a	3
	Maximum height (feet)	40	35	40
	Minimum stories	2	2	2
	Minimum height (feet)	24	24	24
Lot coverage	Maximum lot coverage by buildings	80%	60%	70%
	Maximum lot coverage by impervious cover	100%	80%	80%
Unit size ^d	Minimum residential unit size (square feet)	600	600	600
Setbacks	Minimum front yard setback (feet)	0	0	0
	Maximum front yard setback (feet)	prevailing	prevailing	n/a
	Minimum rear yard setback (feet) ^b	0	25	0
	Minimum side yard setback (each) (feet) ^b	0	5	5
	Minimum side yard setback (both) (feet) ^b	0	10	10
	Maximum side yard setback (each) (feet) ^c	0	n/a	n/a

NOTES:

- May be increased to four stories and 45 feet in the DB and DG zones and four stories and 40 feet in the DT zone at the discretion of the Board of Trustees to accomplish the goal and objectives of enhancing residential diversity and affordability in the downtown.
- Notwithstanding the minimum setbacks required, all structures adjacent to a residentially zoned property or to the Old Croton Aqueduct ("OCA") shall be set back a minimum of 10 feet from each property line shared with a residentially zoned property or the OCA.
- The maximum side yard setback in the DB District may be waived to provide continued access to light and air for existing windows or entryways or to allow the continued use of an existing driveway on the side of buildings, at the discretion of the Board of Trustees.
- There is no minimum lot area. It is up to the developer to determine the number of units, subject to the approval of the Board of Trustees.

ZONING AND LAND USE

Table B-9: Waterfront Districts Dimensional Standards

	WF-A	WF-B
Maximum building height	30 feet or 2 stories	45 feet or 4 stories; provided, however, that no building may exceed 35 feet in height from the curbline on Palisade Street
Minimum lot area per dwelling unit	N/A	2,500 square feet ¹
Maximum building coverage	25%	27%
Maximum impervious coverage	50%	60%
Mandatory open space on lot	As determined by Planning Board	As determined by Planning Board
Minimum front yard	See “Minimum setback from Hudson River” below	Per the standards for the MDR-2 District
Minimum side yard (each)	As determined by Planning Board	Per the standards for the MDR-2 District
Minimum side yard (both)	As determined by Planning Board	Per the standards for the MDR-2 District
Rear yard	As determined by Planning Board	Per the standards for the MDR-2 District
Maximum building length	150 feet in any one direction	Per the standards for the MDR-2 District
Minimum setback from Hudson River	150 feet, measured to the mean high water line. However, if there is a variance granted from the 150-foot setback, such variance shall not be greater than 50 feet (i.e., there must be at least a 100-foot setback maintained.) This setback requirement shall not prohibit the construction of a public walkway or esplanade along the river’s edge consistent with the proposal in the Dobbs Ferry Local Waterfront Revitalization Program, a seasonal kiosk or concession stand to serve visitors to the waterfront, or any similar or related amenity on or near the river shore, such as a pier or dock for fishing, boating or viewing, benches, picnic facilities, open recreational space or a footbridge, designed to enhance public access, recreational opportunities and enjoyment of the Hudson River.	N/A

NOTE:

¹ Minimum lot area per dwelling unit shall be calculated utilizing the “gross lot area” as defined in Article II, Definitions.

DOBBS FERRY CODE

Table B-10: CP and EI Districts Dimensional Standards
[Amended 6-14-2011 by L.L. No. 6-2011]

Requirement		CP	EI
Lot size	Minimum lot size	—	—
	Minimum lot area per dwelling unit (square feet) ²	1,800 ¹	40,000
Building height	Maximum stories	5	4
	Maximum height (feet)	65	50
	Minimum stories	—	—
	Minimum height (feet)	—	—
Lot coverage	Maximum lot coverage by buildings ³	30%	50%
	Maximum lot coverage by impervious cover	70%	80%
Setbacks	Minimum front yard setback (feet)	0 or 10 ⁴	25
	Maximum front yard setback (feet)	—	—
	Minimum rear yard setback (feet)	20	25
	Minimum side yard setback (each)(feet)	10	10
	Minimum side yard setback (both)(feet)	20	25
	Maximum side yard setback (each)(feet)	—	—

NOTES:

¹ Minimum lot area per dwelling unit shall be calculated utilizing the “gross lot area” as defined in Article II, Definitions.

² 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.

³ 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 are 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.

⁴ 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 10 feet. A yard of not less than 10 feet shall be provided along any lot line that borders on a residential zone.