

# **CODE UPDATE COMMITTEE**

## **Public Meeting on Phase I – August 3, 2016**

Phase I of the Code Update is the “USE” category. Within this category are 10 topics:

### ***Use***

- Permitted Use Standards;
- Evaluate Restricting Main Street Shop Front Buildings to Commercial Uses
- Home Occupation Standards
- Evaluate Accessory Building Standards
- Evaluate Accessory Apartment Standards
- Detached Garage Standards
- Livable Floor Area Standards
- Evaluate Overnight Accommodation Standards
- Evaluate Waterfront Recreation Standards
- Parking Standards

Subsequent phases will deal with “APPEARANCES”, “ENVIRONMENT”, “PROCEDURES” and “CONSISTENCY AND CLARITY”. Topics within these categories are:

### ***Appearances***

- Area and Bulk Regulation Standards;
- Maximum Lot Coverage and Setbacks Standards
- Standards for the Preservation and Restoration of Cultural Features
- Sign Standards
- Standards for Three Story Buildings
- Landscaping Within and Around Parking Lot Standards
- Fence Standards

### ***Environment***

- Outdoor Lighting Standards
- Evaluate Steep Slope Standards
- Evaluate Flooding Standards
- Evaluate Adopting a Ridgeline Protection Overlay District
- Green Building Standards

### ***Procedures***

- Evaluate Permitting Conservation Easements/Façade Easements
- Evaluate Outright Demolition of Existing Structures
- Evaluate Permitting Conservation Subdivisions

- Amend Subdivision Regulations
- Evaluate Adopting Waterfront Consistency Review Law.

### ***Consistency and Clarity***

- Amend the Village Code for Clarity and Consistency; and
- Revise the Zoning Map to include new zoning districts and revised boundaries for existing zoning districts based on the recommendations of the Village's existing Comprehensive Plan and the Local Waterfront Revitalization Program.

The purpose of this Public Meeting, and in subsequent Public Meetings, is to solicit public input on this body of work. Verbal input on Phase I will be received at the Public Meeting. Written input on Phase I will be received until August 31, 2016. Written input can be provided by email to [trustee.early@coldspringny.gov](mailto:trustee.early@coldspringny.gov) or by sending the written input to Village Office, 85 Main Street, Cold Spring, NY 10516, attention: Code Update Committee.

This document, as well as the slides presented at the Public Meeting, will be available on the Village Website ([http://www.coldspringny.gov/Pages/ColdSpringNY\\_CodeUpdate/index](http://www.coldspringny.gov/Pages/ColdSpringNY_CodeUpdate/index)). All input received at the Public Meeting, and all input received in written form prior to September 1, 2016 will also be available on the website.

### **CHANGES TO CODE AMENDMENTS:**

The remainder of this document contains the proposed changes to the Village Code. The format of the remainder of this document is that all changes (updates, addition, deletions) and deletions are in ***bold*** and ***italicized***. Words and/or phrases that are in ***bold*** but which are not italicized are part of the current Village Code and have not been changed.

Each Village Code section containing proposed changes starts on a new page.

#### **§ 76-4. Zones defined.**

A. For purposes of this chapter the aforementioned zones shall be defined as follows:

##### **COMMERCIAL:**

- (1) An area where offices, clinics and the facilities needed to serve them are located.
- (2) An area with local shopping and service establishments located within walking distances of the residents served.

***CHANGE*** (3) A tourist-oriented area where hotels, ***DELETE motels***, restaurants, bars and gasoline stations are located.

***CHANGE*** (4) A ***DELETE large integrated*** regional shopping ***DELETE center*** destination.

***CHANGE*** (5) A business strip along ***Main Street*** containing offices, retail businesses and commercial enterprises.

(6) A central business district.

**CHANGE** (7) A commercially dominated area with multiple unit **and mixed-use** dwellings.

**DELETE INDUSTRIAL** - *An area in which noise restrictions on industry are necessary to protect the value of adjacent properties for other economic activity, but shall not include agricultural operations.*

**DELETE LIGHT INDUSTRIAL:**

*(1) An area containing clean and quiet research laboratories.*

*(2) An area containing light industrial activities which are clean and quiet.*

*(3) An area containing warehousing.*

*(4) An area in which other activities are conducted where the general environment is free from concentrated industrial activity.*

**NEW MIXED USE** –*An area of single family or live/work dwellings where home based businesses or commerce can be conducted in such dwellings.*

**CHANGE RESIDENTIAL** - An area of single or multi-family dwellings where **home-based** businesses may or may not be conducted in such dwellings. The zone includes areas where multiple-unit dwellings **DELETE , high-rise apartment districts and redevelopment districts** are located.

A “residential zone” may include areas containing accommodations for transients such as **DELETE motels and** hotels and **mixed-use** residential areas with limited office development, but it may not include retail shopping facilities. “Residential zone” includes educational facilities, hospitals, nursing homes and similar **noise-sensitive** institutions.

B. Adjacent zones. When a noise source can be measured from more than one (1) zone, the permissible sound level of the more restrictive zone shall govern.

## **SECTION 97 - SEWER**

### **97-47. Rental units.**

Rental units shall be determined as follows:

A. Every connection to the sanitary sewage system or to any part thereof shall constitute one (1) or more rental units in accordance with the following schedule:

<b>Use</b>	<b>Rental Units</b>
One-family dwelling, a trailer, a	1 each

mobile home and each apartment in a building designed or used for occupancy by 1 or more families,	
<b>CHANGE</b> Hotel, <b>DELETE motel</b> and boatel	1 unit or every 2 rental accommodations
Club, Service organizations, not-for-profit corporations	2 each
Hospital or nursing home	1 unit per $\frac{3}{4}$ bed
<b>DELETE Boarding or lodging house</b>	<b><math>\frac{1}{4}</math> unit per room rental</b>
Restaurant with bar	4 each
Restaurant without bar, luncheonettes and diners	3 each
Bars and saloons	2 each
Schools with cafeterias and gymnasiums	1 unit per 15 pupils
Other schools	1 unit per 25 pupils
Church	1 each
Rectory	1 each
Meeting Room	2 each
Retail store	1 each
Service establishments, including, but not limited to barbershops, undertakers cleaners, etc.	1 each
Beauty Parlors	1 unit plus $\frac{1}{4}$ unit for each service chair over 2
Dental offices	2 each
Business, commercial and professional offices (other than dental) with private lavatory	1 each
Gasoline service station	1.5 each
Automobile sales office with garage	1.5 each
Supermarket and large food stores	4 each
Laundromat	1 unit per 2 washing machines
Manufacturing or industrial plant	1 unit per each lavatory or 1 unit per 20 employees, whichever unit count is higher
Cafeterias within manufacturing or industrial plants, schools, business etc., operated for employees and students	3



§ 126-18

**CHANGE:** § 126-18.1. *Parking at Chestnut Street Shopping Center. [Added 8-12-80 by L.L. No. 2-1980]*

*A. The parking of vehicles is hereby prohibited at all times within the marked and posted fire lane area in front of the retail shops in the shopping center known as the "Chestnut Street Shopping Center," commonly known as the "Foodtown Shopping Center," at the intersections of Chestnut Street and Benedict Road in the Village of Cold Spring. [Amended 5-27-03 by L.L. 2003-01]. Grand Union changed to Foodtown after the rebuild following the fire on Feb. 6, 2002.*

**Delete § 126-18.1.1. from the index and delete section § 126-18.1.1. in its entirety – the hospital no longer exists.**

§ 126-18.1.1. *Parking at Butterfield Memorial Hospital. [Added 11-7-83 by L.L. No. 3-1983]*

*A. The parking of vehicles is hereby prohibited at all times within the marked and posted fire lane area in front of the building known as "Butterfield Memorial Hospital" off Paulding Avenue in the Village of Cold Spring.*

*B. Any authorized law enforcement official shall have the authority to remove and store any vehicle parked in such area during snowstorms, floods, fires or public emergencies or found unattended in such area where such vehicle constitutes an obstruction to traffic or where such parking is prohibited. Actual and reasonable charges for such removal and storage shall be paid by the owner or operator of any*

*such vehicle so removed or stored. The sanctions imposed by these sections shall be in addition to those authorized under Article IV, Enforcement and Penalties, of this chapter.*

ARTICLE II

Definitions

§ 134-2. Word usage and definitions.

***NEW – Accessory Apartment – An accessory apartment is a second dwelling unit subordinate to the single-family dwelling unit for use as a complete, independent living facility and that is contained within the structure of a single-family dwelling or in a building or structure accessory to a single-family dwelling. A Special Permit is required and must be renewed annually. Structures that house an accessory apartment must be owner occupied. Separate entrances to the accessory apartment cannot be obvious; entrances must be on the side or rear of the structure, or accessible via an interior entrance. If the owner (of a structure which houses an accessory apartment) vacates the structure, the Special Permit expires. The minimum size of a studio accessory apartment must be at least three hundred forty (340) square feet of gross space and at least two hundred eighty (280) square feet of habitable space. The minimum size of a one bedroom accessory apartment must be at least four hundred ten (410) square feet of gross space. The total number of accessory apartment Special Permits shall not exceed fifty (50) across all zoning districts. If there is a change in ownership of a structure that houses an accessory apartment, there must be an application for a new Special Permit and the approval of that Special Permit would be governed by the limit of fifty (50) Special Permits for accessory apartments.***

***CHANGE -- ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building **allowed** and located on the same lot as such principal use or building. In buildings restricted to residence use, the office of a professional **person**, customary home **occupations**, and workshops not conducted for compensation shall be deemed "accessory uses."***

***DELETE - BED & BREAKFAST (B&B) – A dwelling owner occupied; maximum number of guest rooms three (3); paid transient accommodation; no separate cooking facilities for guests; the maximum stay is 30 continuous days or less.***

***CHANGE - FAMILY - One (1) or more persons occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a **DELETE boardinghouse, lodging house**, club, fraternity or hotel.***

***CHANGE – HABITABLE FLOOR AREA – Residential space, excluding bathrooms, stairs and kitchen, and excluding cellar and basement floor areas not devoted to residential use. Rooms must have a dimension of at least seven (7) feet in any horizontal direction. Habitable space is only counted in areas of a room where the ceiling (or portions of the ceiling) are five (5) feet high or higher). All dimensions shall be measured between interior faces of walls.***

**CHANGE - HOME OCCUPATION** - An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary **and incidental** to the use of the dwelling for living purposes and does not change the **residential** character thereof or have any exterior evidence of such secondary use other than a small nameplate. **The standards for a home occupation are: no employees, no exterior storage, no on-premise sale of goods; no use, which is noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes or radiation or which presents a hazard to public health or safety; no vibrations; no more than 4 vehicular trips (combined pick up, drop off, visit, etc.) per day; no person other than a member of the family residing on the premises involved in the home occupation. These standards apply to the entire tax lot whether the tax map parcel be located in the R-1, R-3, B-1, B-4, B-4A zones.**

**CHANGE - HOTEL** - A building containing more than three (3) rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied, for sleeping purposes by guests and where only a general kitchen and dining room are or may be provided within the building or in an accessory building. **DELETE -- A boardinghouse, lodging house, rooming house, tourist home and motel shall be deemed a "hotel."** A boatel shall also be deemed a "hotel."

**[Amended 3-2-70 by L.L. No. 1-1970]**

**ADD – Live/work unit – a mixed-use dwelling unit (e.g., studio, loft or one bedroom) consisting of both a commercial/office and a residential component. The commercial/office function may be anywhere in the unit and is intended to be occupied by a business operator who lives in the same structure that contains the commercial/office activity.**

**ADD – Mixed Use - Mixed-use means multiple functions occurring within the same building or the same general area through superimposition or within the same area through adjacency. This variety of uses allows for people to live, work, play and shop in one place, which then becomes a destination for people from other neighborhoods. While mixed-use embraces many forms, it is typically characterized by vertical mixed-use buildings, horizontal mixed-use blocks, or mixed-use walkable neighborhoods. Each of the forms is described further below:**

**HORIZONTAL MIXED-USE BLOCKS:** Horizontal Mixed-Use Blocks combine single-use buildings on distinct parcels in a range of land uses within one block as shown in the illustration to the right. This approach avoids the complexities of vertical layered uses while achieving the goal of placemaking that is made possible by bringing together complementary uses in one place.

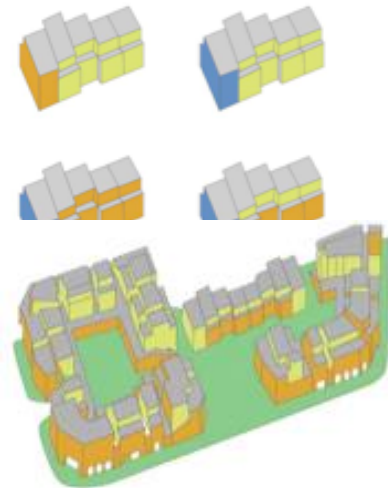
**Horizontal mixed-use offers the advantage of sharing utilities and amenities while providing an easier to build mix of uses within a walkable area.**





**MIXED-USE WALKABLE NEIGHBORHOODS:** *Mixed-Use Walkable Neighborhoods offer an infinite number of possibilities by combining vertical and horizontal use mixing in an area ideally within a 5 to 10 minute walking distance as shown to the right.*

**VERTICAL MIXED-USE BUILDING:** *A vertical mixed-use building combines different uses in the same building as shown to the right. Lower floors should have more public uses with more private uses reserved for the upper floors, with the exception of roofs, which should be reserved for public use. For example, the ground floor could have retail or entertainment uses, the second floor offices and some form of residential uses like a hotel or apartments. In locations, an entire block or neighborhood may be composed of vertical mixed-use buildings.*



**ADD – OVERNIGHT ACCOMMODATIONS** – A dwelling owner occupied; maximum number of guest rooms three (3); paid transient accommodation; no separate cooking facilities for guests.

**DELETE - TOURIST HOME** - A dwelling in which overnight accommodations, consisting of not more than three (3) rooms for such purpose, are provided or offered for transient guests for compensation.

**§ 134-3. Listing of districts.**

For the purpose of promoting the public health, safety, morals and general welfare of the Village of Cold Spring, said village is hereby divided into the following types of districts:

R-1 One-Family Residence District

R-3 Multifamily Residence District

B-1 General Business District

B-2 Designated Shopping Center District

***CHANGE -- B-3 Designated Retail-Financial-Profession District (Mar. 27, 1973 L.L. No. 2-1973 (moved from footnote to body of text)***

***CHANGE -- B-4 Designated Medical and Health Care Facility District was added October 12, 1976, by L.L. No. 2-1976 (moved from footnote to body of text)***

***CHANGE -- B-4A Designated Medical and Health Care Facility Mixed Use District was added May 13, 2014 by L.L. 2014-02 (moved from footnote to body of text)***

***CHANGE - 1-1 Mixed Use District***

***DELETE - 1-2 Heavy Industry District***

***DELETE - -Designated Hotel- Historic-Recreational District was added May 18, 1973, by L.L. No. 4-1973***

***NEW – PR-1 Parks and Recreation***

### **§ 134-7. Regulations for R-1 One-Family Residence District.**

The following regulations shall apply in all R-1 Districts:

A. Permitted uses.

- (1) One-family dwelling, not to include house trailer.
- (2) Churches and similar places of worship; parish house.
- (3) Public parks and playgrounds; other municipal recreation uses.
- (4) Schools meeting State Department of Education requirements; public libraries and municipal buildings.
- (5) Customary home occupation and accessory uses as defined in Article II, § 134-2.

**CHANGE** B. Uses **DELETE under subject to** special permit according to § 134-16.

**CHANGE** (1) Conversion of a structure existing on the date of passage of this chapter from a one-family **dwelling to a two-family dwelling or from a** two-family dwelling to a three-family dwelling **or multiple** dwelling.

(2) Existing setback. If two (2) or more existing dwellings are located within two hundred (200) feet on each side of a proposed dwelling [except in the case of a corner lot, then within two hundred (200) feet on one (1) side of a proposed dwelling] on the same side of the street and within the same block and same district, said proposed dwelling may have a front yard not greater than the average setback of all existing dwellings so located, subject to a special permit under § 134-16.

**DELETE: (3) Hospital, medical center, sanatoriums, nursing and convalescent homes, philanthropic and eleemosynary institutions and similar uses. No such use, however, shall not be established or permitted on a parcel of land less than two (2) acres in area, nor shall any part or portion of such use be permitted within fifty (50) feet of any street or lot line.**

(4) [Added 3-2-70 by L.L. No. 1-1970] Marinas for the docking, storage, repair, sales and service of pleasure boats and for the provision of supplies and accessories incidental thereto, together with **DELETE motel** boatel accommodations and restaurant facilities to be used in connection with the marina. All such uses shall have toilet facilities connected to the municipal sewer system. No such use, however, shall be established or permitted on a parcel of land less than one hundred sixty thousand (160,000) square feet in area, with a minimum frontage on the Hudson River of two hundred (200) feet.

**CHANGE** (5) **Overnight accommodations by annually renewed Special Permit. A fire inspection is required.**

**(6) One accessory apartment is permitted on an R-1 lot. See 134-2 (Definitions) – Accessory Apartment.**

#### **NOTE – BULK AND AREA REGULATIONS WILL BE ADDRESSED IN A LATER PHASE**

**CHANGE to (7) The** floor area per dwelling unit: six hundred (600) square feet.

E. Supplementary regulations as may be required by §§ 134-17 and 134-18.

F. [Added 8-14-01 L.L. 2001-11] Any new proposed building other than a single-family dwelling and associated garage must come before the Planning Board for a complete Use and Site Plan Review as in §§134-10A and 134-11A.

**§ 134-8. Regulations for R-3 Multifamily Residence District.**

The following regulations shall apply in all R-3 Districts:

A. Permitted uses.

(1) All uses permitted in R-1 Districts.

(2) Two-family and multiple dwellings.

***DELETE (3) Tourist homes (B&B and overnight accommodations are covered under Special permit in B below.***

***DELETE -- (4) Membership clubs and lodges, excepting such the chief activity of which is a service customarily carried on as a business or primarily for gain. In conjunction with such club or lodge, a dining room may be operated, provided it is incidental to the activities of said club or lodge and is conducted for the benefit of the members thereof only, and further provided no sign is displayed advertising such activity.***

B. Uses under special permit according to § 134-16.

***CHANGE -- (1) Same as under R-1 One-Family District (see § 134-7B) with the exception of accessory apartments. Accessory apartments are not permitted in an R-3 District.***

**NOTE – BULK AND AREA REGULATIONS WILL BE ADDRESSED IN A LATER PHASE**

(9) ***CHANGE -- Habitable*** floor area per dwelling unit: six hundred (600) square feet.

(10) ***CHANGE*** - Off-street parking per dwelling unit (see § 134-18E): ***one space for each dwelling unit under one thousand (1000) gross square feet; 1.5 spaces for each dwelling unit between one thousand (1000) square feet and fifteen hundred (1500) gross square feet; two spaces for each dwelling unit over fifteen hundred (1500) gross square feet.*** [Amended 3-27-01 by L.L. 2001-05]

***DELETE - (a) Four-or-more bedroom dwelling (see § 134-18E): four hundred (400) square feet. [Amended 3-27-01 by L.L. 2001-05]***

(2) Applicable requirements of §§134-17 and 134-18.

(3) Site plan review and approval by the Planning Board shall be required for the construction, alteration, conversion or use of a multiple dwelling which will contain a total of two (2) or more dwelling units after and as a result of such construction, alteration, conversion or use.

**[Amended 3-27-01 by L.L. 2001-5]**

#### **§ 134-9. Regulations for B-1 General Business District.**

The following regulations shall apply in all B-1 GB Districts:

A. The B-1 district is defined as those tax map parcels fronting on the north and south sides of Main Street and the parcels on the west side of the railroad which are south of Main Street fronting on New Street and those fronting on Market Street. The B-1 district on the north side of Main Street shall begin at West Street and continue eastward to the eastern boundary of tax map parcel 48.08-5-11 and parcel 48.08-5-35. The B-1 district on the south side of Main Street shall begin at West Street and continue eastward along Main Street to the eastern boundary of tax map parcel 48.08-6-16 and parcel 48.08-6-1 and south along the west side of the railroad tracks to Foundry Cove and west to the Hudson River. The property lines of these parcels shall determine the boundaries of the central B-1 district. All other B-1 district designations remain in place. **See APPENDIX D at end of chapter for listing of property parcels.**

B. Site plan review and approval. In each case where a building or use is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building to the Planning Board for its review. Such Board shall determine that all the requirements of this chapter have been met, including the plan and standards required for special use permits under § 134-16B and E, and, after holding a public hearing on each case, following the procedure required for approval of subdivisions under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

C. Uses permitted.

(1) All uses permitted in any residential district

(2) Retail businesses.

(3) Personal service shops.

**DELETE: (4) Newspaper and job printing.**

(5) Banks, theaters, offices, restaurants and similar community services.

**DELETE: (6) Wholesale sales and incidental storage, provided all goods shall be stored in fully enclosed structures.**

**DELETE: (7) Car sales (franchised dealers only).**

**CHANGE: (8) Hotels (delete motels, boardinghouses, rooming houses and tourist homes)**

(9) Signs subject to regulations hereafter set forth in Subsection G and § 134-18A.

(10) **NEW – Conversion of a first floor commercial or retail space to residential use is prohibited. In addition, existing store front glass areas cannot be reduced during any renovation or use change, or change from residential to commercial or retail use.**

D. Uses under special permit according to § 134-16.

**DELETE: (1) Public garages and filling stations provided:**

**(a) No repair work is performed out of doors.**

**NEW (1) One accessory apartment is permitted on a B-1 lot. See 134-2 (Definitions) – Accessory Apartment.**

**NEW (2) Overnight Accommodations by annually renewed Special Permit. A fire inspection is required.**

#### **§ 134-10. Regulations for B-2 Designated Shopping Center District.**

The following regulations shall apply in all B-2 Districts:

A. Site plan review and approval. In each case where a building or use is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building to the Planning Board for its review. Such Board shall determine that all the requirements of this chapter have been met, including the plan and standards required for special use permits under § 134-16B and E, and, after holding a public hearing on each case, following the procedure required for approval of subdivisions under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted uses.

(1) Retail businesses.

(2) Business and professional offices.

(3) Restaurants.

(4) Signs accessory to an establishment located on the same lot, provided such signs are limited as set forth in §§134-9E(l) and 134-18A.

**CHANGE:** (5) Theaters and other commercial amusements *Delete Bowling alleys and "in fully enclosed structures."*

(6) Public garages and filling stations, subject to the requirements set forth in § 134-9D(l)(a), (b), (c) and (d).

**DELETE: (7) Manufacture, assembly or treatment which is clearly incidental to a retail business or service conducted on the premises.**

C. Uses under special permit according to § 134-16.

**NEW -- (1) One accessory apartment is permitted on an B-2 lot. See 134-2 (Definitions) – Accessory Apartment.**

**DELETE -- None. All applications for building permits shall be referred to the Planning Board as set forth above.**

D. Minimum required.

**NOTE – BULK AND AREA REGULATIONS WILL BE ADDRESSED IN A LATER PHASE**

F. Supplementary regulations applying to B-2 Designated Shopping Center Districts.

(1) Entrances and exit driveways shall be located with the approval of the Planning Board.

(2) All permitted uses and all storage **accessory** thereto, other than off street parking, shall be carried on in buildings fully enclosed on all sides.

(3) All loading and unloading shall be off the street and on the property according to the plan approved by the Planning Board.

**CHANGE --** (4) Any use located on a lot, any lot line of which lies within **twenty-five** (25) feet of a residence district boundary, shall be screened along any such lot line and lighting shall be arranged so there will be no glare of lights toward such district boundary. Screening shall consist of a type of fencing or a hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than five (5) feet and adequate ultimately to screen all operations on the lot from the view of properties in the adjoining residence district.

(5) Supplementary sign regulations. Subject to the regulations set forth in § 134-18A, signs shall be permitted with the approval of the Planning Board as to location, size, design, materials and construction.

(6) Requirements of §§ 134-17 and 134-18 applicable to this district.

(7) ***NEW – Conversion of a first floor commercial or retail space to residential use is prohibited. In addition, existing storefront glass areas cannot be reduced during any renovation or use change, or change from residential to commercial or retail use.***

G. The following uses are expressly prohibited:

(1) Amusement parks and circuses.

(2) Bulk storage of any kind including lumberyard, warehouses, oil and gas storage, junkyards or similar uses.

(3) Any use which is noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes or radiation or which presents a hazard to public health and safety.

### **§ 134-11. Regulations for B-3 Designated Retail-Financial-Professional District.**

The following regulations shall apply in all B-3 Districts:

A. Site plan review and approval. In each case where a building or use is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building to the Planning Board for its review. Such Board shall determine that all the requirements of this chapter have been met, including the plan and standards required for special use permits under § 134-16B and E, and, after holding a public hearing on each case, following the procedure required for approval of subdivisions under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted uses.

(1) Retail business.

(2) Banks and similar community services.

(3) Business and professional offices.

(4) Signs accessory to an establishment located on the same lot, provided such signs are limited as set forth in §§134-9G(I) and 134-18A.

***NEW (5) Single family residences***

***NEW (6) Restaurants.***

C. Uses under special permit according to § 134-16.

(1) Churches and similar places of worship; parish house.

(2) Schools meeting State Department of Education requirements; public libraries and municipal buildings.

All applications for a special use permit shall comply with both the special use standards set forth in § 134-16 and the site plan review requirements of § 134-27.

D. Minimum required.

#### **NOTE – BULK AND AREA REGULATIONS WILL BE ADDRESSED IN A LATER PHASE**

F. Supplementary regulations applying to B-3 Retail Financial-Professional District.

(1) Entrances and exit driveways shall be located with the approval of the Planning Board.

(2) All permitted uses and all storage accessory thereto, other than off street parking, shall be carried on in buildings fully enclosed on all sides.

(3) All loading and unloading shall be off the street and on the property according to the plan approved by the Planning Board.

***CHANGE*** -- (4) Any use located on a lot, any lot line of which lies within ***twenty-five*** (25) feet of a residence district boundary, shall be screened along any such lot line and lighting shall be arranged so there will be no glare of lights toward such district boundary. Screening shall consist of a type of fencing or a hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than five (5) feet and adequate ultimately to screen all operations on the lot from the view of properties in the adjoining residence district.

(5) Supplementary sign regulations. Subject to the regulations set forth in § 134-18A, signs shall be permitted with the approval of the Planning Board as to location, size, design, materials and construction.



(6) The requirements of §§ 134-17 and 134-18 shall be applicable to this district.

G. The following uses are expressly prohibited in this district:

(1) Theaters ***DELETE, restaurants*** and similar service establishments.

(2) Amusement parks, circuses, bowling alleys and other commercial amusements.

(3) Public garages, filling stations, motor vehicle body and repair shops.

(4) Manufacturing, assembling, converting, altering, finishing or any other processing of products or materials.

(5) Motor vehicle and mobile home sales and dealerships.

(6) Wholesale sales.

(7) Bulk storage of any kind, including lumberyard, warehouses, oil and gas storage, junkyards or similar uses.

(8) Any use which is noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes or radiation or which presents a hazard to public health and safety.

**§ 134-15. Regulations for B-4 Designated Medical and Health Care Facility District.**

The following regulations shall apply in the B-4 District:

A. Site plan review and approval. In each case where a building or use is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building or use to the Planning Board for its review. The Planning Board shall determine that all the requirements of this chapter have been met, including the site plan review requirements of § 134-16B and E, and, after holding a public hearing on each case, following the procedure required for approval of subdivisions under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Planning Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted uses.

***CHANGE -- (1) Any use permitted in an R-1 District *with the exception of accessory apartments which are not permitted in a B-4 District.****

(2) Hospital and sanatorium.

(3) Nursing home and health-related facility.

(4) Medical center.

C. Uses under special permit according to § 134-16.

(1) Senior citizen housing [see § 134-16 G(3)].

D. Minimum requirements.

**NOTE – BULK AND AREA REGULATIONS WILL BE ADDRESSED IN A LATER PHASE**

F. Supplementary regulations applying to B-4 Designated Medical and Health Care Facility District.

(1) Entrances and exit driveways shall be located with the approval of the Planning Board and the New York State Department of Transportation where its authority exists or extends.

(2) All permitted uses and all storage accessory thereto, other than off street parking, shall be carried on in buildings fully enclosed on all sides.

(3) All loading and unloading shall be off the street and on the property according to the plan approved by the Planning Board.

(4) No part or portion of any use permitted hereunder shall be within fifty (50) feet of any street or lot line.

(5) The requirements of §§ 134-17 and 134-18 shall be applicable to this district.

**§ 134-15A. [Added 5-13-14 by L.L. 2014-2] Regulations for B-4A Medical and Health Care Facility Mixed Use District.**

The following regulations shall apply in the B-4A District:

A. Site plan review and approval. In each case where a building use or mixed use development is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building(s) and use(s) to the planning board for its review under Article VIII of this chapter. The Planning Board shall be authorized to determine that all requirements of this chapter have been met, including any additional requirements referenced in §134-4 and standards required for special use permits under §134-16B and E, with the planning board having sole authority to apply appropriate standards and safeguards in accordance with 134-16E(4) and additional standards under §134-16G for Senior Citizen Housing in the B4-A zoning district. After holding a public hearing on each case, following the procedure required for approval of site plans under the Village Law, the planning board shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the planning board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted uses.

**CHANGE -- (1)** Any use permitted in an R-1 District *however accessory apartments are not permitted in a B-4A District.*

(2) Hospital and sanatorium.

(3) Nursing home and health-related facility.

**CHANGE -- (4)** Senior Citizen Housing of up to fifty-five **(55)** units, which complies with the applicable requirements of 134-16G(3) (a) and (b), with the following exceptions: (1) every unit shall be occupied by at least one person who is at least fifty-five **(55)** years of age and there shall be no residents under the age of **eighteen (18)**; (2) up to two **(2)** bedrooms may be provided per unit, with occupancy limited to no more than two **(2)** persons; (3) compliance with age restrictions for Senior Citizen Housing in the B-4A Zoning District shall be a condition of site plan approval and 134-16G(3) (a) [8] shall apply to assure continued compliance with approval conditions; (4) the community space for the use of residents required by § 134-16(G) (3) (a) (11) need be only five **(5)** percent of the total floor area of the residential buildings if outdoor community space equaling at least five percent of the total floor area of the residential buildings is provided. Outdoor community space shall include all those identified areas in and around the senior housing units that are specifically dedicated for active and/or passive outdoor recreational use by senior residents.

(5) Municipal and other government uses.

(6) Privately owned facilities leased to a municipal or government entity, such as a United States post office.

**CHANGE -- (7)** Retail Stores at street-level, provided that the total square footage of retail space in the district does not exceed **thirteen thousand** (13,000) square feet and that no single building in the district shall have more than **seven thousand** (7,000) square feet of retail space.

**CHANGE -- (8)** Business and professional offices, provided that the total square footage of business and professional office space in any one building shall not exceed **seventeen thousand**

**five hundred (17,500)** square feet and the total amount of square footage of business and professional office space in the district shall not exceed **thirty-two thousand five hundred (32,500)** square feet.

(9) Banks.

**CHANGE** (10) Mixed uses, consisting of two **(2)** or more permitted uses in the district.

(11) Personal Service Shops.

**CHANGE** - (12) Coffee shop or luncheonette, with counter service and customer seating for a maximum of **fifteen (15)** customers and not exceeding **seven hundred (750)** square feet, only permitted if in connection with a mixed use development

#### C. Prohibited Uses

Restaurants shall be prohibited uses in the B-4A District, in addition to any other uses prohibited by the Village Code, whether expressly or through omission of such use from the list of permitted uses.

#### D. Minimum requirements.

**CHANGE** -- (1) Lot area: **three (3)** acres (120,000) square feet.

(2) Lot width: two hundred (200) feet.

(3) Lot depth: two hundred (200) feet.

**CHANGE** -- (4) Front Yard: For any use fronting on a Village Street other than a single family residence – **seventy-five (75)** feet. For single family residence fronting on a Village street or State Highway – **twenty-five (25 feet)** or less as may be permitted by the planning board. For use (other than single family) fronting on a New York State Highway – **fifteen (15)** feet or less as may be permitted by the planning board.

**CHANGE** -- (5) Side Yard: **ten (10)** feet.

**CHANGE** -- (6) Combined side yard: **twenty-five (25)** feet.

**CHANGE** -- (7) Rear Yard: **ten (10)** feet.

**CHANGE** -- (8) Open Space: **fifteen (15)** percent of total site area.

(9) Off-street parking: see supplemental regulations in Subsection F and §134-18E.

**CHANGE** - (10) Dwelling units may be the one-room efficiency type or one-bedroom units or two-bedroom units. The minimum floor area for an efficiency-type dwelling unit shall be five hundred (500) square feet. The minimum floor area for a one-bedroom dwelling unit shall be six hundred (600) square feet. The minimum floor area for a two-bedroom dwelling unit shall be nine hundred (900) square feet. No more than one (1) person shall be permitted to occupy an efficiency unit and no more than two (2) persons shall be permitted to occupy a one-or two-bedroom dwelling unit.

#### E. Maximum permitted.

**CHANGE** -- (1) Building height. Stories: two and one-half (2.5); Feet: thirty-five **(35)**

(2) Building percentage of lot coverage: Twenty- five percent (25%).

**CHANGE** -- (3) Senior Citizen Housing: 55 **(fifty-five)** units.

#### F. Supplementary regulations applying to B-4A Medical and Health Care Facility Mixed Use District.

(1) Entrances and exit driveways shall be located with the approval of the Planning Board and the New York State Department of Transportation where its authority exists or extends.

**CHANGE** - (2) All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides.

- (3) All loading and unloading shall be off the street and on the property according to the plan approved by the Planning Board.
- (4) No access (other than emergency access) shall be provided from a Village Street to any use other than a single family residential use.
- (5) The requirements of §134-17 and §134-18 shall be applicable to this district.
- (6) 134-15A(F)(6) Senior Citizen Housing shall be a permitted use in the district and comply with the applicable requirements of §134-16G(3) (a) and (b) with the following exceptions:
- CHANGE** -- (a) every unit shall be occupied by at least one person who is at least fifty-five **(55)** years of age and there shall be no residents under the age of **eighteen (18)**;
- CHANGE** -- (b) up to two **(2)** bedrooms may be provided per unit, with occupancy limited to no more than two **(2)** persons;
- (c) compliance with age restrictions for Senior Citizen Housing in the B-4A Zoning District shall be a condition of site plan approval and 134-16G(3) (a) [8] shall apply to assure continued compliance with approval conditions;
- CHANGE** -- (d) the community space for the use of residents required by § 134-16(G) (3) (a) (11) need be only five **(5)** percent of the total floor area of the residential buildings if outdoor community space equaling at least five **(5)** percent of the total floor area of the residential buildings is provided. Outdoor community space shall include all those identified areas in and around the senior housing units that are specifically dedicated for active and/or passive outdoor recreational use by senior residents. The following shall not apply to the B-4A District: §§134-16G (3) (c), (d), (e), and (f).
- (7) Parking: Parking requirements in the B-4A district shall be as set forth in §134-18E including the following provision:
- CHANGE** -- The planning board may reduce the required parking space for any use up to **twenty** (20) percent when shared parking amongst uses can be demonstrated. Where parking is sufficient for existing uses as of the date of this amendment, no additional parking shall be required for said use, however such parking shall not be decreased.
- (8) Landscaping: Landscape planting shall be shown on the site plan for the areas around and between all buildings, around the perimeter of and within parking areas and along streets and driveways. Pedestrian site improvements, such as sidewalks, paths, and benches, shall be provided. The planning board shall in its discretion determine suitable landscaping with a preference for trees and plantings that are non-invasive, non-allergenic and of an urban-tolerant species.
- (9) Green Building and Energy Efficiency: Future development should be consistent with the Village's desire to create a more sustainable community by encouraging the use of green building and energy efficiency measures in the design, construction, and maintenance of buildings. The planning board shall promote these measures to the greatest extent practicable during the site plan review process.

***CHANGE – this district will now be known as a Mixed Use District.***

***§ 134-12. Regulations for MU-1 Mixed Use District***

The following regulations shall apply in all ***CHANGE MU-1*** Districts:

A. Site plan review and approval. In each case where a building or use is proposed in this district, a site plan shall be submitted to the Building Inspector, who shall refer the site plan of the proposed building to the Planning Board for its review. Such Board shall determine that all the requirements of this chapter have been met, including the plan and standards required for special use permits under § 134-16 B and E, and, after holding a public hearing on each case, following the procedure required for approval of subdivisions under the Village Law, shall approve, approve with modifications or disapprove said site plan. In modifying or disapproving any site plan, the Board shall enter its reasons for such action in its records. The applicant shall pay a fee, in the same amount as that required for an application for a variance, to cover the cost of publication and notice of hearing, recording and transcribing the minutes of the hearing and decision.

B. Permitted uses.

***CHANGE --(1) Any use permitted in R-1 One-Family Residence District **excepting accessory apartments (accessory apartment are not permitted in an MU-1 District).*****

(2) Buildings, structures, municipal parking and uses owned by the Village of Cold Spring.

(3) Cemeteries and Mausoleums.

(4) One-story buildings for display and sale of agricultural and nursery products

(5) One (1) dwelling unit only, on any lot for the exclusive use of an attendant, watchman or caretaker employed in connection with any permitted use on said lot.

(6) Office buildings for editorial, business and professional offices, and research, design including incidental clinics, cafeterias and recreational facilities for the exclusive use of company employees.

(7) Manufacturing, assembling, which operation, in the opinion of the Planning Board, will not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of air pollution, electromagnetic or other disturbance, glare, harmful discharge, storage or dispersal of liquid or solid wastes in a manner or amount as to adversely affect the surrounding area.]

(8) Lumber and building materials and equipment sales and storage, provided that any lot containing outdoor storage shall be surrounded by a fence or wall with a height of not less than six (6) feet.

(9) One (1) sign facing each street from which access to the lot is provided, announcing the name or insignia, or both, of the company or companies housed in the development on the lot. Such sign shall not exceed ten (10) square feet and shall be placed in such a manner as not to be detrimental to safety of traffic. If illuminated at night, such illumination shall be indirect, with all light sources shielded from the view of adjacent lots and streets. One (1) identification sign at each point of access to the lot, with an area of not more than three (3) square feet, and internal direction signs, each with an area of not more than two (2) square feet, shall also be permitted.

***ADD – (10) Live/work units including attendant sales of work output.***

***ADD – (11) Service, retail and recreational uses and facilities***

C. Uses under special permit according to § 134-16.

(1) None. All applications for building permits shall be referred to the Planning Board as set forth above.

D. Minimum required.

**NOTE – BULK AND AREA REGULATIONS WILL BE ADDRESSED IN A LATER PHASE**

(8) Off-street parking: see supplementary regulations, § 134-18E.

**CHANGE** F. Supplementary regulations applying to **CHANGE MU-I “Mixed Use”** District.

(1) Any permitted nonresidential use located on a lot, any lot line of which lies within twenty-five (25) feet of a residence district boundary, shall be screened along any such lot line and floodlighting shall be so arranged that there will be no glare of lights toward such district boundary. Screening shall consist of a type of fencing or a hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than five (5) feet and adequate ultimately to screen all operations on the lot from the view of properties in the adjoining residence district.

(2) Applicable requirements of §§ 134-17 and 134-18 shall be applicable to this district.

G. The following uses are expressly prohibited:

(1) Manufacturing uses involving primarily production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn; hydrochloric, nitric, phosphoric, picric and sulfuric acids; coal, coke and tar products, including gas manufacturing; explosives; fertilizers; gelatin, glue and animal size; linoleum and oilcloth, matches, paint, varnishes and turpentine; rubber (natural or synthetic), soaps, including fat rendering starch.

(2) The following processes: nitrating of cotton or other materials; milling or processing of flour or grain; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil; distillation of wood or bones; reduction and processing of wood pulp and fiber, including paper-mill operations.

(3) Operations involving stockyards and slaughterhouses, grain elevators and slag piles.

(4) Storage of explosives; bulk or wholesale storage of gasoline above ground.

(5) Dumps, junkyards and landfills, except those owned and/or operated by the village.

(6) Quarries, mining, stone crushers, screening plants, and storage of quarry screenings accessory to such uses.

(7) Any use which is noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes or radiation or which presents a hazard to public health or safety.

**§ 134-13. Regulations for I-2 Heavy Industry District.**

***DELETE - Heavy Industry District (I-2). There is insufficient space in the Village for such a district without significantly affecting the character of neighboring areas.***



**§ 134-14. Designated Hotel-Historic-Recreational District.**

***DELETE THIS ENTIRE DISTRICT. It is not currently defined to any area in the Village and does not seem to apply to any area in the future***

## **NEW DISTRICT**

### **PR-1 – Parks and Recreation**

*The Parks and Recreation District is being created to define areas in the Village which would provide opportunities for the enjoyment of the environment – including proximity to water, recreational opportunities, opportunities for relaxation, and the opportunity to enjoy the scenery.*

*Permitted uses would include neighborhood and community parks and playgrounds, public plazas and bandstands, bicycle and pedestrian trails, athletic fields and court games, clubs and camps, wildlife refuges and conservation areas, forestry and water dependent uses such as docks and boat launches.*

*The Parks and Recreation District would apply to the Waterfront Park, Dockside Park, Mayor's Park, Ronald McConville/Tot Park, West Point Foundry Preserve, Foundry Dock Park, the Cold Spring Boat Club, the Chapel Restoration, and the area from the Cold Spring Boat Club to Market Street.*

*Permitted uses would also include commercial facilities incidental to the operation of public recreational uses, such as refreshment stands, overnight accommodations, restaurants, offices, and museums would be allowed subject to a Special Use Permit that takes into consideration factors such as traffic, property size and location.*

## **136-16 Special Uses and Supplementary Regulations**

### **§ 134-16. Permitted special uses.**

A. General provisions. The special uses for which conformance to additional standards is required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

B. Required plan. A plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this chapter.

C. Expiration. A special permit shall be deemed to authorize only one (1) particular special use and shall expire one (1) calendar year from date of issuance of permit. **[Amended 3-27-01 by L.L. 2001-5]**

D. Existing violations. No permit shall be issued for a special use for a property where there is an existing violation of this chapter. ("Existing violation" shall not mean legally existing nonconforming use.)

E. Standards applicable to all special uses.

(1) The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing or future streets giving access to it shall be such that it will be in harmony with the orderly development of the district, and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

(2) Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, dust, odor, fumes, vibration or flashing lights than would be the operation of any permitted use.

(3) The special use shall be commensurate with requirements for the health, interest and welfare of the public; it shall be located appropriately with respect to transportation facilities, water supply, fire and police protection, waste disposal, sewerage and similar facilities, and it shall not cause undue traffic congestion or create a traffic hazard.

(4) Appropriate conditions and safeguards may be fixed and determined by the Board of Appeals as, deemed necessary in each case.

(5) There shall be fulfillment of any other conditions or standards specified in this chapter and required by other ordinances and codes of the Village of Cold Spring.

F. Procedure.

(1) All applications for special permits shall be made to the Board of Appeals in writing, on forms prescribed by this chapter; shall refer to the specific provision of the law involved; and shall set forth exactly the interpretation that is claimed and the use for which the special permit is sought, together with all informative details in connection therewith.

(2) A public hearing shall be held and a decision rendered in accordance with the procedures outlined for the issuance of a variance by the Board of Appeals under this chapter.

(3) **[Added 4-8-08 by L.L. 2008-02]** The Zoning Board of Appeals may refer applications for special permits to the Villages' planning, engineering or legal consultants for review and comment and may upon approval of the Village Board retain such other or additional planning consultants, engineering consultants, legal consultants or other professionals as it deems reasonably necessary to review applications for plat approval.

(4) **[Added 4-8-08 by L.L. 2008-02]** All applications for special permits shall be accompanied by funds totaling five hundred dollars (\$500) to be held in an escrow account and used for payment of expenses and disbursements incurred by the Village in processing the application including consultants' fees pursuant to § 134-28 of this Chapter.

(5) **[Added 4-8-08 by L.L. 2008-02]** It shall be a condition of approval of all special permits that all expenses, costs and consultants' fees imposed under this Chapter have been paid to the Village.

G. Additional standards. The following are additional standards deemed necessary before a special use permit may be issued for certain specific uses:

**CHANGE** - (1) Conversion of an existing structure from a one-family dwelling to a two-family dwelling or from a ***two-family dwelling to a three-family or multi-family dwelling***, subject to the following special conditions:

(a) Such structure shall have contained, on the effective date of this chapter, one thousand (1,000) square feet of **gross** floor area for the original dwelling unit plus seven hundred fifty (750) square feet for each additional dwelling unit created.

(b) The lot on which such structure is located shall contain fifteen thousand (15,000) square feet of lot area for the original unit and five thousand (5,000) square feet for each additional unit so created.

**CHANGE** (c) Off-street parking per dwelling unit (see § 134-18E): ***one space for each dwelling unit under one thousand (1000) gross square feet; 1.5 spaces for each dwelling unit between one thousand (1000) square feet and fifteen hundred (1500) gross square feet; two spaces for each dwelling unit over fifteen hundred (1500) gross square feet.***

**CHANGE** (2) **[Added 3-2-70 by L.L. No. 1-1970]** Marinas, etc., including ***DELETE motel***, boatel and restaurant as authorized under R-1.

(a) The Zoning Board of Appeals shall find that the use as proposed would not be deleterious to or adversely affect adjacent properties.

(b) The following minimum standards shall be observed:

[1] Lot area one hundred sixty thousand (160,000) square feet.

[2] Each lot shall be of such shape that a square two hundred by two hundred (200 x 200) feet will fit on the lot.

[3] Yards.

**CHANGE** [a] All yards, including front, rear and side for main buildings for ***DELETE motel***, boatel, restaurant:  
fifty (50) feet.

[b] Yards adjacent to railroad right-of-way for buildings other than as set forth in Subsection G(2)(b)[3][a]: ten (10) feet.

[c] Yards adjacent to Hudson River may be reduced to less than fifty (50) feet by Zoning Board of Appeals.

[d] Yards around buildings for accessory uses, including maintenance and sales, may be

established by Zoning Board of Appeals, but in no event need exceed the minimum standards set forth above.

[e] Docks, floats, moorings, ramps, lights and marina equipment shall not be considered violations of setbacks for yards adjacent to the Hudson River, but their basic design, location and layout shall be subject to approval of the Zoning Board of Appeals.

(c) The following maximum standards shall be observed:

**NOTE – BULK AND AREA REGULATIONS WILL BE ADDRESSED IN A LATER PHASE**

[3] Maximum outside storage, including storage and display of boats and marina merchandise, shall not exceed twenty percent (20%) of the lot area and shall not occupy areas required for yard setbacks without approval of the Board of Appeals.

**§ 134-17. Supplementary regulations applying to all residence districts.**

**A. Accessory buildings and garages.**

(1) An accessory building or a garage may be located in any required side or rear yard, provided:

**CHANGE** -- (a) Such building or garage shall not exceed one and one-half (1½) stories; **see 134-17(8) for detached garage height.**

**CHANGE** -- (b) Such building or garage shall be set back ten (10) feet from any lot line, and if separated from the principal building, shall not be located less than, ten (10) feet from it; **see 134-17(9) for detached garage set back.**

(c) All such buildings or garages in the aggregate shall not occupy more than thirty percent (30%) of the area of the required rear or side yard.

(2) No accessory building shall project nearer to the street on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, the Board of Appeals may authorize, without a public hearing or variance, the erection of such garages within not less than ten (10) feet of the street line where the natural slope of the ground within twenty-five (25) feet of such line is between twelve percent (12%) and twenty percent (20%) and within not less than five (5) feet of the street line where such slope within twenty-five (25) feet of such line exceeds twenty percent (20%).

(3) Storage of unlicensed vehicles is prohibited in any residential district except in enclosed structures which comply with the above regulations.

**(4) NEW – An accessory building may be used as a residence if the accessory building conforms to all the required setbacks for the primary building.**

**(5) NEW – An accessory building may not be used for a home occupation (NYS Residential Building Code J102.5); home occupations are limited to the primary structure on the tax lot.**

**(6) NEW – An accessory building is defined as any structure that has a combined measurement of sixteen (16) feet or larger (length plus width plus height). Such a structure requires a building permit and must conform to all setback and lot coverage standards, regardless of whether or not the structure is on a foundation.**

**(7) NEW – No more than two (2) accessory buildings are permitted on any lot, including enclosed play structures.**

**(8) NEW -- Detached garages shall not exceed a vertical height of twenty (20) feet; the vertical distance is measured from the average elevation of the proposed finished grade around two (2) adjoining sides of the perimeter of the building with not less than three (3) measurements on each side of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the ridge line for gable, hip and gambrel roofs. In addition, detached garages**

**(9) NEW -- Detached garages shall have a minimum distance from the property line of three (3) feet or the height times .3, whichever is larger.**

**B. Corner lots.**

(1) At all street intersections in all residence districts, no obstructions to vision exceeding thirty (30) inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines thirty (30) feet distant from their point of intersection.

(2) On a corner lot, front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other or others, side yards. The minimum district requirements for each type yard shall be complied within.

C. Exceptions to lot depth requirements.

(1) The required lot depth at any point may be decreased by twenty five percent (25%) if the average lot depth conforms to the minimum depth requirements.

D. Exceptions to yard requirements.

(1) Permitted obstructions. Cornices or cantilevered roofs may project not more than three (3) feet into a required yard. Belt courses, windowsills and other ornamental features may project not more than six (6) inches into a required yard. Fences or walls not over four (4) feet in height may be erected anywhere on the lot, except as set forth in Subsection B above. Fences or walls with a height in excess of four (4) feet shall conform to the requirements set forth herein for buildings. Paved terraces, steps and walks (other than such as are needed for access to the buildings on the lot) shall not project within fifteen (15) feet of a street line or four (4) feet of a property line.

(2) Entries and porticoes. A roofed-over but unenclosed projection in the nature of an entry or portico, not more than eight (8) feet wide and extending not more than six (6) feet out from the front wall of the building shall be permitted to encroach on a required front yard. In computing the average setback in § 134-7B (2), the presence of such entries and porticoes shall be ignored.

(3) **[Added 3-27-01 by L.L. 2001-5]** Existing setback. If two (2) or more existing dwellings are located within two hundred (200) feet on each side of a proposed dwelling [except in the case of a corner lot, then within two hundred (200) feet on one (1) side of a proposed dwelling] on the same side of the street and within the same block and same district, said proposed dwelling may have a front yard not greater than the average setback of all existing dwellings so located, subject to a special permit under § 134-16.

E. Existing nonconforming lots in residence districts. In addition to the provisions of § 134-19 (L), for a lot that was under separate ownership from all adjoining lots on the effective date of this Chapter, and which has a total lot width less than prescribed herein, and which is proposed for use as a one-family residence, if such lot is less than sixty (60) feet wide, then the minimum side yard shall be reduced to seven and one half (7 ½) feet, provided that the two (2) side yards shall total at least four (4") inches for each foot of lot width. **[Amended 11-15-2011 by L.L. 4-2011]**

**§ 134-18. Supplementary regulations applying to all districts.**

**A. Supplementary sign regulations.**

(1) No signs, billboard, advertising display, structure or device shall be erected, moved, enlarged or reconstructed except as expressly permitted in this chapter.

(2) The following types of signs or artificial lighting are prohibited:

(a) Billboards, i.e., any sign advertising a product or services not legally being sold or rendered on the premises where sign is located.

(b) Flashing signs, including any sign or device on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

(c) Signs which project more than one (1) foot over a street

**§134-18**

**§134-18 E. Required off-street parking.**

(1) Schedule of requirements. Accessory off-street parking spaces, open or enclosed, shall be provided for any lot as specified in Article IV, District Regulations and as specified below for each use in any district. Any land which is developed and owned as a unit shall be considered a single lot for the purposes of these regulations. No parking in required minimum of setback areas

**§134-18**

<b>USE (parking space per)</b>	<b>Required Number of Parking Spaces (located on same lot, unless otherwise specified)</b>
Places of worship, assembly hall, libraries, theaters, annual membership clubs and other public buildings	1 for each 200 square feet of floor area, but not less than 1 space for each 5 seats where provided
Schools	<b><i>CHANGE 1 for each 5 students</i></b>
<b><i>CHANGE</i></b> - Hospital, sanatoriums, philanthropic <b><i>DELETE "or eleemosynary"</i></b> institutions.	1 for each 3 beds
<b><i>NEW: Overnight Accommodation</i></b>	1 for each guest room
<b><i>DELETE Rooming house or tourist homes 1 for each guest room</i></b>	<b><i>Rooming house or tourist homes 1 for each guest room</i></b>
Eating and drinking places	<b><i>CHANGE 1 for each 75 square feet of floor area</i></b>
Funeral Homes	1 for each 2 employees, plus 10 for 1 chapel and 5 spaces for each additional chapel
<b><i>CHANGE</i></b> Hotels <b><i>DELETE and motels</i></b>	1 for each guest room



<b><i>DELETE Bowling alleys</i></b>	<b><i>4 for each alley</i></b>
<b><i>DELETE Home occupation or accessory professional office, except physicians, dentists and attorneys</i></b>	<b><i>DELETE Minimum of 3 for each home occupation, and in no event less than 2 spaces for each 3 customers, patients or clients for whom waiting room seating facilities are provided.</i></b>
<b><i>DELETE Professional office, including physicians, dentists and attorneys, in residential districts</i></b>	<b><i>DELETE 5 for each office, and in no event less than 2 spaces for each 3 customers, patients or clients for whom waiting room seating facilities are provided.</i></b>
Retail stores	<b><i>CHANGE 1 for each 250 square feet of ground floor area of the building and each 300 square feet of upper floor area</i></b>
<b><i>CHANGE Business and professional offices, financial institutions</i></b>	<b><i>1 for each 150 square feet of floor area</i></b>
<b><i>DELETE Industrial establishments, warehouses wholesale businesses, research laboratories, contractors' businesses, establishments for manufacture, processing or assembly of goods</i></b>	<b><i>1 for each 1 ½ employees during largest daily work shift period</i></b>
<b><i>NEW Entertainment venues</i></b>	<b><i>1 per 5 seats (where provided)</i></b>
Other uses	<b><i>CHANGE Sufficient parking shall be provided for any use not listed herein, based upon documentation of parking experience elsewhere, through surveys of demand at existing uses that may be applicable and/or a study of patterns of local automobile use to preserve the purpose and intent of this section</i></b>
<b><i>DELETE Loading and unloading</i></b>	<b><i>No required parking space shall be used for turning, loading and unloading space required by the nature and operation of any use business, industry, institution or building, but shall be separately provided.</i></b>
<b><i>NEW: Two and multi-family dwelling</i></b>	<b><i>One space for each unit less than 1000 square feet; 1.5 spaces for each unit between 1000 and 1500 square feet; 2 spaces for each unit larger than 1500 square feet.</i></b>
<b><i>NEW: One-family dwelling</i></b>	Off-street parking space per dwelling unit: two (2) spaces

No parking in required minimum of setback areas