

CODE UPDATE COMMITTEE

Public Meeting on Phase II – November 29, 2017

Phase II of the Code Update is the “APPEARANCE” category. Within this category are 9 topics:

Appearances

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

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

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 first public meeting was held on August 3, 2016 and dealt with the "USE" category. Topics within that category are:

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

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 II will be received at the Public Meeting. Written input on Phase II will be received until December 31, 2017. Written input can be provided by email to 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). All input received at this Public Meeting, and all input received in written form prior to December 31, 2017 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 the current Village Code is on the left side of each page and the proposed changes to the Village Code are on the right side of each page. Each Village Code section containing proposed changes starts on a new page.

The proposed changes to the Village Code sections are found in Chapters:

104 – Signs

134-2 Word Usage and definition

134-3 Listing of Districts

134-7 R-1 One-Family Residence District

134-8 R-3 Multifamily Residence District

134-9 B-1 General Business District

134-10 B-2 Designated Shopping Center District

134-11 B-3 Designated Retail-Financial-Professional District

134-12 MU-1 Mixed Use District

134-13 I-2 Heavy Industry District

134-14 PR-1 Parks and Recreation District

134-15 B-4 Designated Medical and Health Care Facility District

134-15A B-4A Medical and Health Care Facility Mixed Use District

134-16 Permitted special uses

134-17 Supplementary regulations applying to all residence districts

134-18 Supplementary regulations applying to all districts

Appendix E – Table of Dimensional Requirements

Appendix F- Listing of Cultural Artifacts

CURRENT CODE – Chapter 104 – SIGNS AND PLACARDS

Chapter 104

SIGNS AND PLACARDS

§ 104-1. Permit required; removal.

§ 104-2. Signs and projections over streets; exceptions.

§ 104-3. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 8-11-31 as Sections 13 and 6 of the Code of Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and Sidewalks - See Ch. 108.

§ 104-1. Permit required; removal.

A. No person shall post, hang or cause to be posted or hung any handbill, notice or placard, except legal notices, upon any post, telegraph or electric light pole, tree or fence or other object in any street or public place of the Village without a permit from the Mayor, and any such sign, handbill, notice or placard placed in violation hereof may be removed by any citizen of the Village.

B. All permitted handbills, notices, and placards must be removed by 12 midnight of the last day of event. [Amended 12-5-00 by L.L. No. 2000- 12]

§ 104-2. Signs and projections over streets; exceptions.

No person shall erect any sign, roof, stoop or other projection in, over or upon any of the streets or sidewalks of the Village without written permission from the Mayor. Any person applying for permission to erect any structure prohibited by this section shall be required to file with the Village Clerk a cash bond in the amount of five-hundred dollars (\$500) in form approved by the Village Trustees, and proof of insurance for liability conditioned to save harmless the Village of Cold Spring from any and all damage and injury sustained by any person by reason of the erection and maintenance of such structures. Nothing herein contained shall be intended to prevent the erection without permission of proper adjustable awnings made of cloth with metallic frames, which awnings shall at all times be at least seven (7') feet above the sidewalk.

PROPOSED CODE - CHAPTER 104 – SIGNS

CHAPTER 104. SIGNS

Overall: The design, color, character, size and scale of signs should be in keeping with and appropriate to the architectural design of the building or structure upon which the signs are placed, the design of the neighboring properties and adjoining signs, and the character of the Village of Cold Spring. To the maximum extent practicable, signs shall fit within the existing features of the building façade; signs on adjacent buildings should be aligned with one another.

A. In all districts:

- (1) Permit. Except as otherwise provided, a Building Permit for a sign from the Building Inspector and, for properties in the Historic Districts, a Certificate of Appropriateness from the Historic District Review Board is required prior to the erection, modification, or relocation of any sign, except that signs smaller than 4 square feet are not required to have a permit.
- (2) Measurement. Sign surface area will be the entire area within a single continuous perimeter enclosing all elements which form an integral part of the sign. The area of a sign consisting of an insignia or other device, but without background, shall be calculated as the smallest polygon or circle possible enclosing the insignia. Back-to-back identical signs shall be considered as one sign, and the square footage of both sides is counted in the allowable square footage.
- (3) Planning Board. Signs shall be included in any site plan review or special permit.
- (4) 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 artificial light is not maintained stationary and constant in intensity and color at all times when in use.

§ 104-3. Penalties for offenses. [Amended 3-27-79 by L.L. No. 1-1979]

Any person committing an offense against any of the provisions of this chapter or Article, as the case may be, shall be guilty of a violation under the Penal Law and, upon conviction thereof, shall be punishable by a fine of not more than two hundred fifty dollars (\$250) or by imprisonment for not more than fifteen (15) days, or both.

- (c) Neon or other internally illuminated signs, except with a permit one monitor less than six (6) square feet located within a structure.
- (d) Any sign manifesting kinetic or illusory motion caused by natural, mechanical, manual, electrical or other means, except by permit.
- (e) Signs which project more than two feet over a street or sidewalk, or project any distance beyond or above the building in any other direction, except those regarding gasoline or other services offered. Also signs which are lower than eight (8) feet above the sidewalk or street.
- (f) Signs which compete for attention with or may be mistaken for a traffic signal.
- (g) Exterior signs made of cardboard, paper, canvas or similar impermanent material, or flexible material, such as vinyl.
- (h) Inflated signs and tethered balloons.
- (i) Roof signs, any sign mounted over or on the roof or parapet of a building.
- (j) Abandoned signs. Any sign which is located on a building which becomes vacant and remains unoccupied; or which pertains to a time, event or purpose that no longer applies; or which remains in place that no longer advertises a bona fide business or activity; or which pertains to a product or service other than the one offered on such lot, shall be deemed abandoned after a period of three months or more.

B. Residential Districts.

- (1) Permitted: Without permit or fee, only the street number of the property and name of residents. For home occupations, a sign of not more than one (1) square foot identifying the service provided.

C. Business District (B-1]

(1) Permitted:

(a) A total sign area of one (1) square foot in area for every linear foot of street frontage occupied by a building, but not exceeding thirty-two (32) square feet for any sign parallel to and flat against the façade of a building.

(b) Where the design of an existing building incorporates a specific area for signs, the height and width of the signs shall be restricted to the dimensions of this area, as long as it does not exceed thirty-two (32) square feet.

(c) Interior sign coverage shall not exceed thirty percent (30%) of the glass area of window in which it is displayed.

(d) Where the building is set back less than twenty-five (25) feet from the front lot line, only one freestanding sign, such as a sandwich board, up to twelve (12) square feet including both sides of sandwich boards, or one for every twenty (20) linear feet of building façade is permitted. Such signs must not extend beyond three (3) feet of the front façade of the building. Freestanding signs such as sandwich boards shall be considered part of the allowable square footage.

(e) Where the building is set back twenty-five (25) feet or more from the front lot line, only one permanent freestanding sign, with a total area of all faces of not more than forty (40) square feet, may be erected. No such freestanding signs shall encroach on any required setback.

(f) Awning and canopy lettering.

(1) Lettering and graphics on awnings and canopies shall count towards the sign area allowance per building, except the street name and number.

(2) Awning lettering may contain names, numbers and graphics limited to the business or building name upon which the awning is located.

(3) Lettering may be placed on the front and/or side vertical band of the awnings, but not on the slope or side triangles, if any.

D. Districts B-2, B-3, B-4, B-4A and MU-1

(1) Permitted

- (a) Each separate business with a separate external entry may erect no more than two exterior signs parallel to and flat against the façade of the building. Such signs shall be restricted to the name and logo of the business, information lines (excluding pricing) and/or pictograph indicating the nature of the business. The size of such signs shall be no more than one square foot for each lineal foot of the individual store front occupied by such business, but in no case shall the total area of such signs exceed eighty (80) square feet for each such business.
- (b) Where the design of an existing building incorporates a specific area for signs, the height and width of the signs shall be restricted to the dimensions of this area, as long as it does not exceed eighty (80) square feet .
- (c) Interior sign coverage shall not exceed thirty percent (30%) of the glass area of window in which it is displayed.

- (d) Where the building is set back less than twenty-five (25) feet from the front lot line, only one freestanding sign, such as a sandwich board, up to twelve (12) square feet including both sides of the sandwich boards, or one freestanding sign for every twenty (20) linear feet of building façade is permitted. Such signs must not extend beyond three (3) feet of the front façade of the building. Freestanding signs such as sandwich boards shall be considered part of the allowable square footage.
- (e) Where the building is set back twenty-five (25) feet or more from the front lot line, only one freestanding permanent sign, with a total area of all faces of not more than forty (40) square feet, may be erected. No such freestanding signs shall encroach on any required setback.
- (f) Awning and canopy lettering
 - (1) Lettering and graphics on awnings and canopies shall count towards the sign area allowance per building, except the street name and number.
 - (2) Awning lettering may contain names, numbers and graphics limited to the business or building name upon which the awning is located.
 - (3) Lettering may be placed on the front and/or side vertical band of the awnings, but not on the slope or side triangles, if any.

Enforcement of this Chapter will be addressed at a later date.

E. Temporary signs. Unless exempt, signs to be erected for short duration require sign permits which indicate the dates during which the signs may be displayed.

- (1) Such signs shall not exceed twenty (20) square feet in total area.
- (2) Such signs shall not be displayed by an activity or business for more than sixty (60) days total in any one calendar year.
- (3) Portable signs may be allowed with a permit, but are not to exceed placement for longer than sixty (60) days total per year.
- (4) No lighting of temporary signs is permitted.
- (5) No more than one temporary sign permit may be granted to or be in effect for an applicant at any one time.

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

- (1) One sign not exceeding eight square feet for any religious institution, school, or nonprofit organization.
- (2) Construction, renovation or painting signs, not exceeding six square feet, listing the architect, engineer, contractor and/or owner, on the lot where the activity is being conducted while the activity is in progress.
- (3) Noncommercial sale signs at the site of garage or tag sales, not exceeding four square feet, for a period not exceeding seven days.

CURRENT CODE § 134-2. Word usage and definitions.

A. Word usage. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular. The word "lot" includes the word "plot" or "parcel"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied"; the word "person" includes a "corporation."

B. Definitions. As used in this chapter the following terms shall have the meanings indicated:

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

PROPOSED CODE § 134-2. Word usage and definitions.

A. Word usage. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular. The word "lot" includes the word "plot" or "parcel"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied"; the word "person" includes a "corporation."

B. Definitions. As used in this chapter the following terms shall have the meanings indicated:

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.

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."

BED & BREAKFAST **[Added 3-27-01 by L.L. 2001-5]** – See “Tourist Home”

BUILDING - Any structure having a roof supported by columns or by wood and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY - Supplemental building, the use of which is incidental to that of a main or principal building and located on the same lot therewith.

BUILDING, FRONT LINE OF - The line of that face of the building nearest the front line of the lot.

BUILDING, HEIGHT OF - The vertical distance measured from the average elevation of the proposed finished grade around the perimeter of the building with not less than one measurement 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 mean height between eaves and ridge for gable, hip and gambrel roofs. **[Amended 3-27-01 by L.L. 2001-5]**

BUILDING, PRINCIPAL OR MAIN - A building in which is conducted the main or principal use of the lot on which said building is situated.

CELLAR - A story partly underground and having more than one-half (½) of its clear height below the average level of the adjoining ground. A "cellar" shall not be considered in determining the permissible number of stories.

CLUB, MEMBERSHIP - An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, provided there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership of such club.

CONVENIENCE STORE **[Added 2-18-14 by L.L. 2014-01]** A retail establishment which primarily sells food and beverages prepackaged or packaged within the establishment and in a ready to consume state and which also sells such items as magazines, newspapers and other sundries of a convenience nature to customers who purchase a few items.

BUILDING - Any structure having a roof supported by columns or by wood and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY - Supplemental building, such as a garage or a shed, the use of which is incidental to that of a main or principal building and located on the same lot therewith.

BUILDING, FRONT LINE OF - The line of that face of the building nearest the front line of the lot.

BUILDING, HEIGHT OF - The vertical distance measured from the average elevation of the proposed finished grade around the perimeter of the building with not less than one measurement 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 mean height between eaves and ridge for gable, hip and gambrel roofs. **[Amended 3-27-01 by L.L. 2001-5]**

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COVERAGE - That percentage of the plot or lot area covered by the building area.

DOG KENNEL - A structure used for the harboring of more than three (3) dogs.

DRIVE-IN, DRIVE-THRU or DRIVE-IN WINDOW **[Added 2-18-14 by L.L. 14-01]** - A component of an establishment wherein the sale of goods, services, food or drink is provided directly to patrons while seated in automobiles which are located on the premises or where the service such as ordering, delivering or payment is performed by a carhop, waiter or waitress located outside the confines of the building to patrons seated in a stationary automobile parked on the premises and where such consumption is allowed, encouraged or permitted on the premises, or a component of an establishment where food or drink is served from an enclosed building to patrons seated in automobiles located outside the confines of the building for immediate consumption, and where all or part of the consumption occurs outside the confines of the building or off the premises.

DUMP - A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

DWELLING - A building designed or used as the living quarters for one (1) or more families. The terms "dwelling," "one-family dwelling," "two-family dwelling" and "dwelling group" shall not be deemed to include automobile court, rooming house or tourist home.

DWELLING, MULTIPLE - A building or buildings on one (1) parcel of land, arranged, used, intended or designed to be occupied by three (3) or more families living independently of each other as separate and distinct housekeeping units, including apartment houses, cooperative apartments, condominium apartments, cooperative dwellings, condominium dwellings, cluster-type dwellings, dwellings which adjoin one another and dwellings built on one (1) parcel of land without delineation of plot lines. **[Amended 9-14-71 by L.L. No. 5-1971]**

DWELLING, ONE-FAMILY - A detached building designed for or occupied exclusively by one (1) family.

COVERAGE - That percentage of the plot or lot area covered by the building area.

DOG KENNEL - A structure used for the harboring of more than three (3) dogs.

DRIVE-IN, DRIVE-THRU or DRIVE-IN WINDOW **[Added 2-18-14 by L.L. 14-01]** - A component of an establishment wherein the sale of goods, services, food or drink is provided directly to patrons while seated in automobiles which are located on the premises or where the service such as ordering, delivering or payment is performed by a carhop, waiter or waitress located outside the confines of the building to patrons seated in a stationary automobile parked on the premises and where such consumption is allowed, encouraged or permitted on the premises, or a component of an establishment where food or drink is served from an enclosed building to patrons seated in automobiles located outside the confines of the building for immediate consumption, and where all or part of the consumption occurs outside the confines of the building or off the premises.

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DWELLING, ONE-FAMILY - A detached building designed for or occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY - A building designed for or occupied exclusively by two (2) families living independently of each other.

DWELLING UNIT - A building or portion thereof providing complete housekeeping and living facilities for one (1) family.

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

FILLING STATION - Any area of land, including structures thereon, that is used or designed to be used for the sale or supply of gasoline or oil or other fuel for the propulsion of motor vehicles, and which may include facilities used or designed to be used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing such motor vehicles, but not including painting.

FLOOR AREA OF A BUILDING - The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, and also excluding the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

FORMULA RESTAURANT **[Added 2-18-14 by L.L. 2014-01]** - A restaurant, whether a principal or accessory use, having, or required by contractual, franchise or other legal arrangements to have, along with ten or more other restaurants located in the United States, standardized menus, ingredients, food preparation or uniforms and required to have, or having, two or more of the following: (1) the same name, trade name or trademark; (2) distinctive and/or exterior or interior signage, design and/or architecture; (3) pre-prepared food in a ready to consume state; or (4) food sold over the counter in disposable containers and wrappers.

GARAGE, PRIVATE - An enclosed space for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car is leased to a nonresident of the premises.

DWELLING, TWO-FAMILY - A building designed for or occupied exclusively by two (2) families living independently of each other.

DWELLING UNIT - A building or portion thereof providing complete housekeeping and living facilities for one (1) family.

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

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FORMULA RESTAURANT **[Added 2-18-14 by L.L. 2014-01]** - A restaurant, whether a principal or accessory use, having, or required by contractual, franchise or other legal arrangements to have, along with ten or more other restaurants located in the United States, standardized menus, ingredients, food preparation or uniforms and required to have, or having, two or more of the following: (1) the same name, trade name or trademark; (2) distinctive and/or exterior or interior signage, design and/or architecture; (3) pre-prepared food in a ready to consume state; or (4) food sold over the counter in disposable containers and wrappers.

GARAGE, PRIVATE - An enclosed space for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car is leased to a nonresident of the premises.

GARAGE, PUBLIC - Any garage other than a private garage, available to the public, operated for gain and which is used for sales (franchised dealers only), storage, repair, rental, greasing, washing, servicing, supplying fuel, adjusting or equipping of automobiles or other motor vehicles.

GROCERY STORE [Added 2-18-14 by L.L. 2014-01] - A retail store whose primary function is the retail sale of food, beverages and household related items, not for onsite consumption. Provided, however, a convenience store is specifically excluded from this definition and shall not be considered a grocery store.

HOME OCCUPATION - An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate and in connection therewith there is not involved the keeping of a stock-in-trade. The office of a physician, surgeon, dentist or other professional person, including an instructor in violin, piano or other individual musical instrument limited to a single pupil at a time, who offers skilled services to clients and is not professionally engaged in the purchase or sale of economic goods, shall be deemed to be "home occupations"; and the occupations of dressmaker, milliner and seamstress, each with not more than one (1) paid assistant, shall be deemed to be "home occupations." Dancing instruction, band instrument instruction in groups, tearooms, tourist homes, beauty parlors, real estate offices, convalescent homes, mortuary establishments and stores, trades or business of similar kind shall not be deemed to be "home occupations".

GARAGE, PUBLIC - Any garage other than a private garage, available to the public, operated for gain and which is used for sales (franchised dealers only), storage, repair, rental, greasing, washing, servicing, supplying fuel, adjusting or equipping of automobiles or other motor vehicles.

GROCERY STORE [Added 2-18-14 by L.L. 2014-01] - A retail store whose primary function is the retail sale of food, beverages and household related items, not for onsite consumption. Provided, however, a convenience store is specifically excluded from this definition and shall not be considered a grocery store.

HABITABLE FLOOR AREA OF A BUILDING - 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.

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, MU-1 zones.

HOSPITAL - Unless otherwise specified, includes sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, medical center and any other place for the diagnosis, treatment or other care of ailments, and is limited to places for the diagnosis, treatment or other care of human ailments, other than for specified treatment of mental patients, contagious or infectious diseases or liquor or drug addicts. **[Amended 10-12-76 by L.L. No. 1-1976]**

HOTEL - A building containing three (3) or more 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. 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]

HOUSE TRAILER - Any vehicle or structure used or designed to be used or suitable for use for living purposes or as a dwelling, and which is or may be mounted on wheels, or is designed to be moved on wheels, and is or may be propelled either by its own power or by another power-driven vehicle to which it may be attached. The term "housing trailer" shall be deemed to include mobile home.

JUNKYARD - A lot, land or structure or part thereof used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

LAUNDERETTE - A business premises equipped with individual clotheswashing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LINE, STREET - The dividing line between the street and the lot.

HOSPITAL - Unless otherwise specified, includes sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, medical center and any other place for the diagnosis, treatment or other care of ailments, and is limited to places for the diagnosis, treatment or other care of human ailments, other than for specified treatment of mental patients, contagious or infectious diseases or liquor or drug addicts. **[Amended 10-12-76 by L.L. No. 1-1976]**

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. A boatel shall also be deemed a "hotel." **[Amended 3-2-70 by L.L. No. 1-1970]**

HOUSE TRAILER - Any vehicle or structure used or designed to be used or suitable for use for living purposes or as a dwelling, and which is or may be mounted on wheels, or is designed to be moved on wheels, and is or may be propelled either by its own power or by another power-driven vehicle to which it may be attached. The term "housing trailer" shall be deemed to include mobile home.

JUNKYARD - A lot, land or structure or part thereof used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material; for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

LAUNDERETTE - A business premises equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LINE, STREET - The dividing line between the street and the lot.

LOT - A parcel of land occupied or capable of being occupied by one (1) building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this chapter.

LOT, CORNER - A parcel of land at the junction of and fronting on two (2) or more intersecting streets.

LOT, DEPTH OF - A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

LOT LINES - Any line dividing one lot from another.

LOT, WIDTH OF - The mean width measured at right angles to its depth.

MOBILE HOME - See "House Trailer or Trailer" **[Amended 3-27-01 by L.L. 2001-05]**

NONCONFORMING BUILDING **[Added 11-15-2011 by L.L. 2011-04]** – A structure lawfully existing at the effective date of this chapter or an amendment thereto affecting such structure, which contains a use permitted in the district in which it is located but does not conform to the district bulk requirements, such as minimum lot area, set back, lot coverage or building height.

NONCONFORMING USE – Any use of a building or structure, lot or land or part thereof, lawfully existing at the effective date of this chapter or any amendments thereto affecting such use, which does not conform to the use regulations of this chapter for the district in which it is located. **[Amended 11-15-2011 by L.L. 2011-04]**

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.

LOT - A parcel of land occupied or capable of being occupied by one (1) building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this chapter.

LOT, CORNER - A parcel of land at the junction of and fronting on two (2) or more intersecting streets.

LOT, DEPTH OF - A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

LOT LINES - Any line dividing one lot from another.

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MOBILE HOME - See "House Trailer or Trailer" **[Amended 3-27-01 by L.L. 2001-05]**

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NONCONFORMING USE – Any use of a building or structure, lot or land or part thereof, lawfully existing at the effective date of this chapter or any amendments thereto affecting such use, which does not conform to the use regulations of this chapter for the district in which it is located. **[Amended 11-15-2011 by L.L. 2011-04]**

NURSING HOME AND HEALTH-RELATED FACILITY [Added 10-12-76 by L.L. No. 2-1976]- Any building where persons are housed or lodged full or parttime and furnished with meals and nursing care, which complies with the laws, rules and regulations of the State of New York applicable thereto.

OPEN SPACE - An unoccupied space only to the sky on the same lot as the building.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley; except that a driveway may be included for a dwelling unit in an R-1 District. The minimum width shall be nine (9) feet and the minimum length eighteen (18) feet.

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

QUARRY, SANDPIT, GRAVEL PIT, TOPSOIL STRIPPING - A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial operation and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RESTAURANT [Added 2-18-14 by L.L. 2014-01] - An establishment where prepared food is sold for consumption on the premises or as take-out. The term “restaurant” shall include establishments such as a bar or pub and other establishments that sell limited type of food for consumption on the premises or as take-out such as ice cream shops, donut shops, delicatessens, coffee houses and similar establishments, but shall not include push charts and street vendors.

NURSING HOME AND HEALTH-RELATED FACILITY [Added 10-12-76 by L.L. No. 2-1976]- Any building where persons are housed or lodged full or parttime and furnished with meals and nursing care, which complies with the laws, rules and regulations of the State of New York applicable thereto.

OPEN SPACE - An unoccupied space only to the sky on the same lot as the building.

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

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley; except that a driveway may be included for a dwelling unit in an R-1 District. The minimum width shall be nine (9) feet and the minimum length eighteen (18) feet. **[Amended 3-27-01 by L.L. 2001-5]**

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RETAIL BUSINESS [Added 2-18-14 by L.L. 2014-01] - An establishment selling goods to the general public for personal and household consumption. The term 'retail business' shall include stores, appliance stores, bedding stores, furniture stores, automotive supply stores, bakeries, drug stores, florists, hardware stores, liquor stores, newsstands, shoe stores, stationery stores, convenience stores and variety stores, but not shall include financial institutions such as banks and savings and loan associations.

SANATORIUM - A private hospital, whether or not such facility is operated for profit.

SENIOR CITIZEN HOUSING - Age-restricted housing facilities which meet the special housing needs of senior citizens, limit occupancy of each dwelling to no more than two (2) persons, and comply with the "housing for older persons" exception from the federal Fair Housing Act, as amended (42 U.S.C. s.3607(b)(1)-(5)). **[Amended 05-13-14 by L.L. 2014-02]**

SIGN - Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. **[Amended 11-22-05 by L.L. 2005-05]**

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF – An uppermost story in which the potential floor area of no less than seven feet (7'-0") ceiling height is no more than fifty (50%) of the floor area of the story directly beneath it. **[Amended 7-12-2011 by L.L. 2011-03]**

STORY, HEIGHT OF - The vertical distance from the top surface of the floor to the top surface of the floor next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

STREET - A public or private way which affords the principal means of access to abutting properties.

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STREET - A public or private way which affords the principal means of access to abutting properties.

STREET GRADE - The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the "street grade."

STRUCTURE - Any combination of materials or anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

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

TRAILER - See "house trailer."

TRAILER CAMP - A land or floor area occupied or designed for occupancy by two (2) or more house trailers or camp cars for living purposes.

USE - The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

YARD - An unoccupied space open to the sky on the same lot as a building or structure.

YARD, FRONT - An open, unoccupied space on the same lot as the building, between the front line of the building and the front line of the lot and extending the full width of the lot.

YARD, REAR - An open, unoccupied space on the same lot as the building, between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE - An open, unoccupied space on the same lot as the building, situated between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.

STREET GRADE - The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the "street grade."

STRUCTURE - Any combination of materials or anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

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**CURRENT Chapter 134-3
ARTICLE III
Establishment of Districts**

§ 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 districts²:

R-1 One-Family Residence District

R-3 Multifamily Residence District

B-1 General Business District

B-2 Designated Shopping Center District

1-1 Office and Light Industry District

1-2 Heavy Industry District

² Editor's Note: Additional districts have been added to this chapter by amendment. A B-3 Designated Retail-Financial-Professional District was added March 27, 1973, by L.L. No. 2-1973; a Designated Hotel-Historic-Recreational District was added May 18, 1973, by L.L. No. 4-1973; a B-4 Designated Medical and Health Care Facility District was added October 12, 1976, by L.L. No. 2-1976; a B-4A Designated Medical and Health Care Facility Mixed Use District was added May 13, 2014 by L.L. 2014-02

**PROPOSED Chapter 134-3 ARTICLE III
Establishment of Districts**

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R-1 One-Family Residence District

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B-1 General Business District

B-2 Designated Shopping Center District

B-3 Designated Retail-Financial-Profession District [LL No. 2-1973] (moved from Editor's Note to body of text)

MU-1 Mixed Use District (changed from I-1 to MU-1)

PR-1 Parks and Recreation District (changed from Hotel-Historic-Recreational District)

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CURRENT § 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.

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

- (1) Conversion of a structure existing on the date of passage of this chapter from a one-family or two-family dwelling to a two-family or three-family 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.
- (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 motel or 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.
- (5) **[Added 3-27-01 by L.L. 2001-5]** Bed & Breakfast and Tourist Homes

PROPOSED § 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.

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

- (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 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.
- (3) **[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 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.
- (4) Overnight accommodations by annually renewed Special Permit. A fire inspection is required.
- (5) One accessory apartment is permitted on an R-1 lot. See 134-2 (Definitions) – Accessory Apartment.

C. Minimum required. **[Amended 3-27-73 by L.L. No. 3-1973]**

- (1) Lot area: seven thousand five hundred (7,500) square feet.
- (2) Lot width: seventy-five (75) feet.
- (3) Lot depth: seventy-five (75) feet.
- (4) Front yard: twenty-five (25) feet.
- (5) Each side yard: ten (10) feet.
- (6) Rear yard: twenty (20) feet.
- (7) Livable floor area per dwelling unit: six hundred (600) square feet.
- (8) Off-street parking space per dwelling unit (see § 134-18E): two (2).

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

- (9) **[Added 3-27-01 by L.L. 2001-05]** Each lot shall be of such shape that a square fifty by fifty feet (50 x 50) will fit in fifty percent (50%) of the lot.

D. Maximum permitted.

- (1) Building height.
 - (a) Stories: two and one-half (2½).
 - (b) Feet: thirty-five (35).
- (2) Building percentage of lot coverage: thirty percent (30%).

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.

C. Minimum required. **[Amended 3-27-73 by L.L. No. 3-1973]**

- (1) Lot area: seven thousand five hundred (7,500) square feet.
- (2) Lot width: seventy-five (75) feet.
- (3) Lot depth: seventy-five (75) feet.
- (4) Front yard: twenty-five (25) feet.
- (5) Each side yard: ten (10) feet.
- (6) Rear yard: twenty (20) feet.
- (7) The habitable floor area per dwelling unit: six hundred (600) square feet.
- (8) Off-street parking space per dwelling unit (see § 134-18E): two (2).

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

- (9) Detached garages shall have a minimum distance from the property line of three (3) feet or the detached garage height x (.03), whichever is larger.

D. Maximum permitted.

- (1) Building height.
 - (a) Stories: two and one-half (2½).
 - (b) Feet: thirty-five (35).
- (2) Building percentage of lot coverage for all combined structures: thirty percent (30%).

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.

CURRENT § 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.
- (3) Tourist homes.
- (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.

- (1) Same as under R-1 One-Family District (see § 134-7B).

C. Minimum required. [Amended 3-27-73 by L.L. No. 1-1973; 12-10-74 by L.L. No. 1-1974]

- (1) Lot area: twenty-seven thousand (27,000) square feet.
 - (2) Lot area per dwelling unit.
 - (a) Studio and one-bedroom dwelling unit: four thousand (4,000) square feet.
 - (b) Two-bedroom dwelling unit: six thousand five hundred (6,500) square feet.
 - (c) Three or more bedroom dwelling unit: eight thousand five hundred (8,500) square feet.
 - (3) Lot width: one hundred (100) feet.
 - (4) Lot depth: two hundred (200) feet.
 - (5) Front yard: twenty-five (25) feet.
 - (6) One (1) side yard: twelve (12) feet.
 - (7) Total both side yards: thirty (30) feet.
 - (8) Rear yard: thirty (30) feet.
 - (9) Livable floor area per dwelling unit: six hundred (600) square feet.
 - (10) Off-street parking per dwelling unit (see § 134-18E): two spaces per unit.
- [Amended 3-27-01 by L.L. 2001-05]**
- (a) Four-or-more bedroom dwelling (see § 134-18E): four hundred (400) square feet. **[Amended 3-27-01 by L.L. 2001-05]**
- D. Maximum permitted. [Amended 12-10-74 by L.L. No. 1-1974]**
- (1) Building height.
 - (a) Stories: two and one-half (2 ½).
 - (b) Feet: thirty-five (35).
 - (2) Maximum length of building: one hundred eighty (180) feet.
 - (3) Building percentage of lot coverage: twenty-five percent (25%).

PROPOSED § 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.

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

- (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.

C. Minimum required. [Amended 3-27-73 by L.L. No. 1-1973; 12-10-74 by L.L. No. 1-1974]

- (1) Lot area: twenty-seven thousand (27,000) square feet.
 - (2) Lot area per dwelling unit.
 - (a) Studio and one-bedroom dwelling unit: four thousand (4,000) square feet.
 - (b) Two-bedroom dwelling unit: six thousand five hundred (6,500) square feet.
 - (c) Three or more bedroom dwelling unit: eight thousand five hundred (8,500) square feet.
 - (3) Lot width: one hundred (100) feet.
 - (4) Lot depth: two hundred (200) feet.
 - (5) Front yard: twenty-five (25) feet.
 - (6) One (1) side yard: twelve (12) feet.
 - (7) Total both side yards: thirty (30) feet.
 - (8) Rear yard: thirty (30) feet.
 - (9) Habitable floor area per dwelling unit: six hundred (600) square feet.
 - (10) Off-street parking per dwelling unit (see § 134-18E): one space for each dwelling unit under one thousand (1,000) gross square feet; 1.5 spaces for each dwelling until between one thousand (1,000) gross square feet and fifteen hundred (1,500) gross square feet; two spaces for each dwelling unit over fifteen hundred (1,500) gross square feet. **[Amended 3-27-01 by L.L. 2001-05]**
- D. Maximum permitted. [Amended 12-10-74 by L.L. No. 1-1974]**
- (1) Building height.
 - (a) Stories: two and one-half (2 ½).
 - (b) Feet: thirty-five (35).
 - (2) Maximum length of building: one hundred eighty (180) feet.
 - (3) Building percentage of lot coverage: twenty-five percent (25%).

E. Supplementary regulations applying to Multiple-Family Residence Districts. **[Amended 9-14-71 by L.L. No. 5-1971; 12-10-74 by L.L No. 1-1974]**

(1) Distance between buildings. The following minimum distances between buildings shall be observed:

(a) Between a principal building, other than a one-family dwelling, and a one-story accessory building: twenty (20) feet.

(b) Between two (2) multi-family residences: a distance equal to at least twice the number of building height in feet.

(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]**

E. Supplementary regulations applying to Multiple-Family Residence Districts. **[Amended 9-14-71 by L.L. No. 5-1971; 12-10-74 by L.L No. 1-1974]**

(1) Distance between buildings. The following minimum distances between buildings shall be observed:

(a) Between a principal building, other than a one-family dwelling, and a one-story accessory building: twenty (20) feet.

(b) Between two (2) multi-family residences: a distance equal to at least twice the number of building height in feet.

(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]**

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

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

A. [Added 3-27-01 by L.L. 2001-5] 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. [Amended 12-17-02 by L.L.2002-02, Amended 4-20-04 by L.L. 2004-02]

B. [Added 3-27-01 by L.L. 2001-5] 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.

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

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

A. [Added 3-27-01 by L.L. 2001-5] 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. [Amended 12-17-02 by L.L.2002-02, Amended 4-20-04 by L.L. 2004-02]

B. [Added 3-27-01 by L.L. 2001-5] 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. **[Amended 2-18-14 by L.L. 2014-01]**
- (3) Personal service shops.
- (4) Newspaper and job printing.
- (5) Banks, theaters, offices, restaurants and similar community services.
- (6) Wholesale sales and incidental storage, provided all goods shall be stored in fully enclosed structures.
- (7) Car sales (franchised dealers only).
- (8) Hotels, motels, boardinghouses, rooming houses and tourist homes.
- (9) Signs subject to regulations hereafter set forth in Subsection G and § 134-18A.

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

- (1) Public garages and filling stations provided:
 - (a) No repair work is performed out of doors.
 - (b) Pumps and lubricating devices are located at least twenty (20) feet from any street line or highway right-of-way.
 - (c) All fuel, oil or similar substances are stored at least thirtyfive (35) feet distant from any street or lot line.
 - (d) All automobile parts, dismantled vehicles and similar articles are stored within a building.
- (2) Other uses which, in the opinion of the Board of Appeals, are of the same general character as those listed as permitted uses and which will not be detrimental to the district in which they are located.
- (3) Same as uses under special permit in any residence district (R-1 and R-3) (see §§ 134-7B and 134-8B).
- (4) Existing setback. If two (2) or more existing buildings are located within two hundred (200) feet on each side of a proposed building [except in the case of a corner lot, then within two hundred (200) feet on one (1) side of a proposed building] on the same side of the street and within the same block and same district, said proposed building may have a front yard not greater than the average setback of all existing buildings so located, subject to a special permit under § 134-16.

C. Uses permitted.

- (1) All uses permitted in any residential district.
 - (2) Retail businesses. **[Amended 2-18-14 by L.L. 2014-01]**
 - (3) Personal service shops.
 - (4) Banks, theaters, offices, restaurants and similar community services.
 - (5) Hotels
 - (6) Signs subject to regulations hereafter set forth in § 104 - Signs.
 - (7) 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.
- (1) One accessory apartment is permitted on a B-1 lot. See 134-2 (Definitions) – Accessory Apartment.
 - (2) Overnight accommodations by annually renewed Special Permit. A fire inspection is required.
 - (3) Other uses which, in the opinion of the Board of Appeals, are of the same general character as those listed as permitted uses and which will not be detrimental to the district in which they are located.
 - (4) Same as uses under special permit in any residence district (R-1 and R-3) (see §§ 134-7B and 134-8B).
 - (5) Existing setback. If two (2) or more existing buildings are located within two hundred (200) feet on each side of a proposed building [except in the case of a corner lot, then within two hundred (200) feet on one (1) side of a proposed building] on the same side of the street and within the same block and same district, said proposed building may have a front yard not greater than the average setback of all existing buildings so located, subject to a special permit under § 134-16.

E. Minimum required.

- (1) Lot area: ten thousand (10,000) square feet.
- (2) Lot width: fifty (50) feet.
- (3) Lot depth: one hundred fifty (150) feet.
- (4) Front yard: forty (40) feet.
- (5) One (1) side yard: five (5) feet.
- (6) Total both side yards: ten (10) feet.
- (7) Rear yard: ten (10) feet.
- (8) Off-street parking: see supplemental parking regulations, § 134-18E.
- (9) **[Added 3-27-01 by L.L. 2001-5]** Each lot shall be of such shape that a rectangle thirty by forty feet (30x 40) will fit in fifty percent (50%) of the lot.

F. Maximum permitted.

- (1) Building height.
 - (a) Stories: two and one-half (2 ½).
 - (b) Feet: thirty-five (35).
- (2) Building percentage of lot coverage: thirty-five percent (35%).

E. Minimum required.

- (1) Lot area: ten thousand (10,000) square feet.
- (2) Lot width: fifty (50) feet.
- (3) Lot depth: one hundred fifty (150) feet.
- (4) Front yard: forty (40) feet except B-1 lots on Main Street can have a zero (0) foot front yard setback.
- (5) One (1) side yard: five (5) feet.
- (6) Total both side yards: ten (10) feet.
- (7) Rear yard: ten (10) feet.
- (8) Off-street parking: see supplemental parking regulations, § 134-18E.

F. Maximum permitted.

- (1) Building height.
 - (a) Stories: For B-1 lots on Main Street, three (3) when the lot area multiplied by thirty-five percent (35%) multiplied by three (3) is greater than the existing gross square footage and when any newly constructed story does not block any windows, doors, or vents located in adjacent buildings, and does not inhibit the movement of air or entrance of light into adjacent buildings; otherwise, the maximum number of stories permitted is two and one half (2 ½)
 - (b) Feet: For B-1 lots on Main Street, forty (40) if three (3) stories; if two and one half (2 ½) stories or less, the maximum height is thirty-five (35).
- (2) Building percentage of lot coverage: thirty-five percent (35%).

A. Supplementary regulations applying to B-1, General Business District.

(1) Signs are permitted accessory to an establishment located on the same lot, provided such signs shall be limited as set forth in § 134- 18A and as follows:

(a) Where the building is set back from the front lot line less than twenty-five (25) feet, not more than one (1) such sign shall be permitted for each tenant on the premises on each wall fronting on a street or public parking lot.

(b) The aggregate area in square feet of all signs on any wall shall be not greater than thirty-two (32) sq. ft. **[Amended 3-27-01 by L.L. 2001-5]**

(c) Such sign or signs shall be parallel to the face of the building, and no part thereof, including any illuminating devices, shall project more than twelve (12”) inches beyond the face of the wall to which applied, nor project any distance beyond or above the building in any other direction.

(d) In addition, where the building is set back from the front lot line a distance of twenty-five (25) feet or more, not more than one (1) freestanding sign, with a total area of all faces of not more than forty (40) square feet, may be erected not nearer than six (6) feet to any building. No such freestanding signs shall encroach on any required yard, except in a motor vehicle service station, where one (1) standard sign may be erected in a required front yard for purposes of identification, and a freestanding sign may be erected on the side yard facing the cross street of a corner property.

(2) 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. No public hearing shall be required before the Planning Board on the question of fencing or hedging.

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

(4) **[Added 9-14-71 by L.L. No. 5-1971]** All uses requiring or utilizing a lot area in excess of five thousand (5,000) square feet in a General Business District shall require site plan review and approval by the Planning Board. **[Amended 3-27-01 by L.L. 2001-5]**

B. Prohibited.

(1) 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.

G. Supplementary regulations applying to B-1, General Business 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. No public hearing shall be required before the Planning Board on the question of fencing or hedging.

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

(3) **[Added 9-14-71 by L.L. No. 5-1971]** All uses requiring or utilizing a lot area in excess of five thousand (5,000) square feet in a General Business District shall require site plan review and approval by the Planning Board. **[Amended 3-27-01 by L.L. 2001-5]**

(4) Prohibited.

(a) 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.

CURRENT § 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. **[Amended 2-18-14 by L.L. 2014-1]**

(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.

(5) Bowling alleys, theaters and other commercial amusements 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).

(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.

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

PROPOSED § 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. **[Amended 2-18-14 by L.L. 2014-1]**

(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 §104 - Signs.

(5) Theaters and other commercial amusements.

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

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

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

D. Minimum required.

- (1) Lot area: forty thousand (40,000) square feet.
- (2) Lot width: two hundred (200) feet. **[Amended 3-27-01 by L.L.2001-5]**
- (3) Lot depth: two hundred (200) feet.
- (4) Front yard: sixty (60) feet.
- (5) One (1) side yard: twenty (20) feet, unless separate legal access twenty (20) feet wide shall be provided from a public road to the rear yard, in which event no side yard shall be required. In all cases adjoining a residential district, a side yard of twenty-five (25) feet shall be required.
- (6) Rear yard: thirty (30) feet.
- (7) Off-street parking: see supplemental regulations in Subsection F and § 134-18E.

E. Maximum permitted.

- (1) Building height.
 - (a) Stories: two and one-half (2 ½).
 - (b) Feet: thirty-five (35).
- (2) Building percentage of lot coverage: thirty percent (30%).
[Amended 3-27-01 by L.L. 2001-5]

D. Minimum required.

- (1) Lot area: forty thousand (40,000) square feet.
- (2) Lot width: two hundred (200) feet. **[Amended 3-27-01 by L.L.2001-5]**
- (3) Lot depth: two hundred (200) feet.
- (4) Front yard: ten (10) feet.
- (5) One (1) side yard: twenty (20) feet, unless separate legal access twenty (20) feet wide shall be provided from a public road to the rear yard, in which event no side yard shall be required. In all cases adjoining a residential district, a side yard of twenty-five (25) feet shall be required.
- (6) Rear yard: thirty (30) feet.
- (7) Off-street parking: see supplemental regulations in Subsection F and § 134-18E.

E. Maximum permitted.

- (1) Building height.
 - (a) Stories: two and one-half (2 ½).
 - (b) Feet: thirty-five (35).
- (2) Building percentage of lot coverage: thirty percent (30%).
[Amended 3-27-01 by L.L. 2001-5]

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 offstreet 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) Any use located on a lot, any lot line of which lies within twentyfive (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.
- 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.

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.
 - (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 § 104, 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) 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.

**CURRENT § 134-11. [Added 3-27-73 by L.L. No. 2-1973] 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. **[Amended 2-18-14 by L.L. 2014-1]**

(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.

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.

**PROPOSED § 134-11. [Added 3-27-73 by L.L. No. 2-1973] 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. **[Amended 2-18-14 by L.L. 2014-1]**

(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 §104 – Signs.

(5) Single family residences

(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.

(1) Lot area: forty thousand (40,000) square feet. **[Amended 3-27-01 by L.L. 2001-5]**

(2) Lot width: two hundred (200) feet. **[Amended 3-27-01 by L.L.2001-5]**

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

(4) Front yard: sixty (60) feet.

(5) One (1) side yard: twenty (20) feet, unless separate legal access twenty (20) feet wide shall be provided from a public road to the rear yard, in which event no side yard shall be required. In all cases adjoining a residential district, a side yard of twenty-five (25) feet shall be required.

(6) Rear yard: thirty (30) feet.

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

E. Maximum permitted.

(1) Building height.

(a) Stories: two and one-half (2½).

(b) Feet: thirty-five (35).

(2) Building percentage of lot coverage: thirty-five percent (35%).

D. Minimum required.

(1) Lot area: forty thousand (40,000) square feet. **[Amended 3-27-01 by L.L. 2001-5]**

(2) Lot width: two hundred (200) feet. **[Amended 3-27-01 by L.L.2001-5]**

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

(4) Front yard: ten (10) feet.

(5) One (1) side yard: twenty (20) feet, unless separate legal access twenty (20) feet wide shall be provided from a public road to the rear yard, in which event no side yard shall be required. In all cases adjoining a residential district, a side yard of twenty-five (25) feet shall be required.

(6) Rear yard: thirty (30) feet.

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

E. Maximum permitted.

(1) Building height.

(a) Stories: two and one-half (2½).

(b) Feet: thirty-five (35).

(2) Building percentage of lot coverage: thirty-five percent (35%).

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 offstreet 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) Any use located on a lot, any lot line of which lies within twentyfive (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, 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.

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.
 - (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 § 104, 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 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.

CURRENT § 134-12. Regulations for I-1 Office-Light Industry District.

The following regulations shall apply in all I-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.

(1) Any use permitted in R-1 One-Family Residence District.

(2) Buildings, structures, municipal parking and uses owned by the Village of Cold Spring. **[Amended 2-7-95 by L.L. 95-2]**

(3) Cemeteries and Mausoleums. **[Amended 2-7-95 by L.L. 95-2]**

(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. **[Amended 2-7-95 by L.L. 95-2]**

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

The following regulations shall apply in all 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.

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

(2) Buildings, structures, municipal parking and uses owned by the Village of Cold Spring. **[Amended 2-7-95 by L.L. 95-2]**

(3) Office buildings for editorial, business and professional offices, and research, design.

(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.

[Amended 2-7-95 by L.L. 95-2]

(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. **[Amended 2-7-95 by L.L. 95-2]**

(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. **[Amended 2-7-95 by L.L. 95-2]**

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.

(4) 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.

(5) Live/work units including attendant sales of work output.

(6) Service, retail and recreational uses and facilities

(7) Eating and drinking establishments.

(8) 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.

(9) Entertainment venues.

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.

- (1) Lot area: forty thousand (40,000) square feet.
- (2) Lot width: one hundred (100) feet.
- (3) Lot depth: one hundred fifty (150) feet.
- (4) Front yard: fifty (50) feet.
- (5) One (1) side yard: twenty-five (25) feet. **[Amended 2-7-95 by L.L. 95-2]**
- (6) Total both side yards: fifty (50) feet. **[Amended 2-7-95 by L.L. 95-2]**
- (7) Rear yard: thirty (30) feet.
- (8) Off-street parking: see supplementary regulations, § 134-18E.

E. Maximum permitted.

- (1) Building height.
 - (a) Stories: two and one-half (2 ½).
 - (b) Feet: thirty-five (35).
- (2) Building percentage of lot coverage: thirty-five percent (35%). **[Amended 2-7-95 by L.L. 95-2]**

F. Supplementary regulations applying to I-I OLI 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. **[Amended 2-7-95 by L.L. 95-2]**

D. Minimum required.

- (1) Lot area: ten thousand (10,000) square feet
- (2) Lot width: seventy-five (75) feet
- (3) Lot depth: one hundred (100) feet
- (4) Front yard:
- (5) One side yard: five (5) feet
- (6) Total both side yards: ten (10) feet
- (7) Rear yard : thirty (30) feet
- (8) Off-street parking: see supplementary regulations § 134-18E.

E. Maximum permitted.

- (1) Building height.
 - (a) Stories: two and one-half (2 ½).
 - (b) Feet: thirty-five (35).
- (2) Building percentage of lot coverage:
 - (a) For residential use – thirty percent (30%)
 - (b) For business use – thirty percent (30%)
 - (c) For Mixed use – fifty percent (50%)

F. Supplementary regulations applying to MU-I 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. **[Amended 2-7-95 by L.L. 95-2]**
- (6) Quarries, mining, stone crushers, screening plants, and storage of quarry screenings accessory to such uses. **[Amended 2-7-95 by L.L. 95-2]**
- (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.

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.

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

The following regulations shall apply in all I-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. **[Amended 2-7-95 by L.L. 95-2]**

(1) Any use permitted in R-1 One-Family Residence District.

(2) Any use permitted in the I-1 Office-Light Industry District.

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

(1) None. All applications shall be referred to Planning Board.

D. Minimum required.

(1) Lot area: forty thousand (40,000) square feet.

(2) Lot width: one hundred (100) feet.

(3) Lot depth: one hundred fifty (150) feet.

(4) Front yard: fifty (50) feet.

(5) One (1) side yard: twenty-five (25) feet. **[Amended 2-7-95 by L.L. 95-2]**

(6) Total both side yards: fifty (50) feet. **[Amended 2-7-95 by L.L. 95-2]**

(7) Rear yard: thirty (30) feet.

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

E. Maximum permitted. **[Amended 2-7-95 by L.L. 95-2]**

(1) Building height.

(a) Stories: two and one-half (2 ½)

(b) Feet: thirty-five (35).

(2) Building percentage of lot coverage: thirty-five percent (35%).

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

This section is deleted in its entirety.

F. Supplementary regulations applying to I-2 Heavy Industry District.

(1) Any permitted nonresidential use located on a lot, any lot line of which lies within one hundred (100) 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.

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 aboveground.

(5) Dumps, junkyards and landfills except those owned and/or operated by the village. **[Amended 2-7-95 by L.L. 95-2]**

(6) Quarries, 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.

CURRENT § 134-14. [Added 5-18-73 by L.L. No. 4-1973] Regulations for Designated Hotel-Historic-Recreational District.

The following regulations shall apply in the Designated Hotel-Historic-Recreational 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 § 134-27 and the 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 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 reason 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) Any use permitted in an R-1 District.
- (2) Hotel, motel or boatel.
- (3) Marina for the docking, storage, repair and service of pleasure boats.
- (4) Museums, souvenir and gift shops and related uses, and manufacture and production of goods, materials and artifacts to be sold or used in connection with such uses.
- (5) Historic building restoration and archaeological surveys.
- (6) Service, retail and recreational uses and facilities incidental or accessory to any permitted use, including restaurants, health and sauna facilities, shops for sales of sundries, swimming facilities, hairdressers, barbershops, riding stables, tennis courts and similar outdoor recreational facilities, administrative offices and any other use customarily incidental and accessory to a principal use permitted in this district.

PROPOSED § 134-14. PR-1 Parks and Recreation District.

The Parks and Recreation District defines areas which provide opportunities for the enjoyment of the environment, including proximity to water, recreational opportunities, opportunities for relaxation and the opportunity to enjoy the scenery.

The following regulations shall apply in the PR-1 District:

A. Site plan review and approval. In each case where a use or building 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 §§104 and 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). 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

- (1) Neighborhood and community parks and playgrounds.
- (2) Public plazas and bandstands.
- (3) Bicycle and pedestrian trails.
- (4) Athletic fields and court games.
- (5) Clubs and camps.
- (6) Wildlife refuges and conservation areas.
- (7) Forestry and water dependent uses such as docks and boat launches.
- (8) Commercial facilities incidental to the operation of public recreational uses, such as refreshment stands, overnight accommodations, restaurants, offices and museums, subject to a Special Use Permit that takes into consideration factors such as traffic, property size and location.

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 requirements.

(1) Lot area: twenty-five (25) acres.

(2) Yards.

(a) Rear and side yards for any structure: fifty (50) feet.

(b) Yards adjacent to railroad right-of-way: twenty-five (25) feet.

(c) Yards adjacent to Hudson River may be reduced to less than fifty (50) feet by the Planning Board.

(d) Yards around buildings for incidental or accessory uses may be established by the Planning Board but may not in any event exceed the minimum set forth above.

(3) Docks, floats, moorings, ramps, lights and marina equipment shall not be considered violations of set-backs for yards adjacent to the Hudson River, but their designs, location and layout shall be subject to the approval of the Planning Board.

E. Maximum standards.

(1) Maximum height.

(a) Main buildings (measured from a line perpendicular to the underlying real property): thirty-five (35) feet.

(b) Accessory buildings: thirty (30) feet.

(2) Maximum building coverage for all buildings: fifteen percent (15%).

(3) Maximum outside area for storage and display of boats in the marina shall not exceed twenty percent (20%) of the marina lot area and shall not occupy areas required for yard setbacks without the approval of the Planning Board.

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 requirements.

(1) Lot area: one thousand (1,000) square feet.

(2) Lot width: twenty (20) feet

(3) Lot depth: twenty (20) feet

(4) Front yard: five (5) feet

(5) Side yard: five (5) feet; total both side yards ten (20) feet

(6) Rear yard: ten (10) feet

E. Maximum permitted:

(1) Building height:

(a) Stories: one (1) story

(b) Feet: sixteen (16) feet

(2) Building coverage for all buildings: one percent (1%)

CURRENT § 134-15. [Added 10-12-76 by L.L. No. 2-1976] 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.

- (1) Any use permitted in an R-1 District.
- (2) Hospital and sanatorium.
- (3) Nursing home and health-related facility.
- (4) Medical center.

C. Uses under special permit according to § 134-16. **[Amended 2-28-78 by L.L. No. 1-1978]**

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

D. Minimum requirements.

- (1) Lot area: sixty thousand (60,000) square feet.
- (2) Lot width: two hundred (200) feet.
- (3) Lot depth: two hundred (200) feet.
- (4) Front, side and rear yards: as determined by the Planning Board.
- (5) Off-street parking: see supplemental regulations in Subsection F and § 134-18E.

E. Maximum permitted.

- (1) Building height.
 - (a) Stories: two and one-half (2 ½).
 - (b) Feet: thirty-five (35).
- (2) Building percentage of lot coverage: twenty-five percent (25%).

PROPOSED § 134-15. [Added 10-12-76 by L.L. No. 2-1976] 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.

- (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. **[Amended 2-28-78 by L.L. No. 1-1978]**

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

D. Minimum requirements.

- (1) Lot area: sixty thousand (60,000) square feet.
- (2) Lot width: two hundred (200) feet.
- (3) Lot depth: two hundred (200) feet.
- (4) Front, side and rear yards: as determined by the Planning Board.
- (5) Off-street parking: see supplemental regulations in Subsection F and § 134-18E.

E. Maximum permitted.

- (1) Building height.
 - (a) Stories: two and one-half (2 ½).
 - (b) Feet: thirty-five (35).
- (2) Building percentage of lot coverage: twenty-five percent (25%).

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 offstreet 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.

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.

**CURRENT § 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

- (1) Any use permitted in an R-1 District.
- (2) Hospital and sanatorium.
- (3) Nursing home and health-related facility.

**PROPOSED § 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 B-4A 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

- (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.

(4) Senior Citizen Housing of up to fifty-five 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 years of age and there shall be no residents under the age of 18; (2) up to two bedrooms may be provided per unit, with occupancy limited to no more than two 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 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.

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

(8) Business and professional offices, provided that the total square footage of business and professional office space in any one building shall not exceed 17,500 square feet and the total amount of square footage of business and professional office space in the district shall not exceed 32,500 square feet.

(9) Banks.

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

(11) Personal Service Shops.

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

(4) Senior Citizen Housing of up to fifty-five 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 (1) 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 (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.

(5) Municipal and other government uses.

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

(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.

(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.

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

(11) Personal Service Shops.

(12) Coffee shop or luncheonette, with counter service and customer seating for a maximum of fifteen (15) customers and not exceeding seven hundred fifty (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.

- (1) Lot area: 3 acres (120,000) square feet.
- (2) Lot width: two hundred (200) feet.
- (3) Lot depth: two hundred (200) feet.
- (4) Front Yard: For any use fronting on a Village Street other than a single family residence – 75 feet. For single family residence fronting on a Village street or State Highway – 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 – 15 feet or less as may be permitted by the planning board.
- (5) Side Yard: 10 feet.
- (6) Combined side yard: 25 feet.
- (7) Rear Yard: 10 feet.
- (8) Open Space: 15 percent of total site area.
- (9) Off-street parking: see supplemental regulations in Subsection F and §134-18E.
- (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.

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.

- (1) Lot area: three (3) acres (one hundred twenty thousand (120,000)) square feet.
- (2) Lot width: two hundred (200) feet.
- (3) Lot depth: two hundred (200) feet.
- (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.
- (5) Side Yard: ten (10) feet.
- (6) Combined side yard: twenty-five (25) feet.
- (7) Rear Yard: ten (10) feet.
- (8) Open Space: fifteen (15) percent of total site area.
- (9) Off-street parking: see supplemental regulations in Subsection F and §134-18E.
- (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.

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

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

(3) Senior Citizen Housing: 55 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.

(2) All permitted uses and all storage accessory thereto, other than offstreet 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:

(a) every unit shall be occupied by at least one person who is at least fifty-five years of age and there shall be no residents under the age of 18;

(b) up to two bedrooms may be provided per unit, with occupancy limited to no more than two 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;

(d) the community space for the use of residents required by § 134-16(G) (3)

(a) (11) need be only five 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. The following shall not apply to the B-4A District: §§134-16G (3) (c), (d), (e), and (f).

E. Maximum permitted.

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

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

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

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(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:

(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);

(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;

(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:

The planning board may reduce the required parking space for any use up to 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.

(7) Parking: Parking requirements in the B-4A district shall be as set forth in §134-18E including the following provision:

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.

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(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.

CURRENT 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.)

PROPOSED 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.

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(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.

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(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.

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(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:

(1) Conversion of an existing structure from a one-family or two-family dwelling to a two-family or a three-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 livable 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.

(c) Two (2) off-street parking spaces shall be provided on said lot for the use of each dwelling unit.

(2) **[Added 3-2-70 by L.L. No. 1-1970]** Marinas, etc., including 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.

(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.

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

(1) Conversion of an existing structure from a one-family or two-family dwelling to a two-family or a three-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.

(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) gross square feet and fifteen (1500) gross square feet; two spaces for each dwelling unit over fifteen hundred (1500) gross square feet).

(2) **[Added 3-2-70 by L.L. No. 1-1970]** Marinas, etc., including 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.

[a] All yards, including front, rear and side for main buildings for 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:

[1] Maximum height.

[a] Main buildings: thirty-five (35) feet.

[b] Accessory buildings: twenty (20) feet.

[c] Storage, including boats: twenty (20) feet.

[2] Maximum building coverage for all buildings: thirty percent (30%).

[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.

(d) Off-street parking shall be entirely located on the lot and sufficient to accommodate all parking resulting from operation of marina and other uses permitted, together with observance of standards required by § 134-18C.

(e) Off-street loading. All truck parking and loading shall take place entirely on the lot and also as per standards in § 134- 18C.

[3] Yards.

[a] All yards, including front, rear and side for main buildings for 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:

[1] Maximum height.

[a] Main buildings: To be determined

[b] Accessory buildings: To be determined.

[c] Storage, including boats: To be determined

[2] Maximum building coverage for all buildings: To be determined

[3] Maximum outside storage, including storage and display of boats and marina merchandise: To be determined

(d) Off-street parking shall be entirely located on the lot and sufficient to accommodate all parking resulting from operation of marina and other uses permitted, together with observance of standards required by § 134-18C.

(e) Off-street loading. All truck parking and loading shall take place entirely on the lot and also as per standards in § 134- 18C.

(3) [Added 2-28-78 by L.L. No. 1-1978] Senior citizen housing as permitted in B-4 Zone.

(a) The following are standards in addition to those listed in Subsection E of this section and § 134-15F:

[1] Sites shall afford a safe and convenient system of drives, service access and walks conveniently accessible to all occupants. No roads or driveways shall be located within fifty (50) feet of any street intersection. Onsite facilities for vehicle parking shall be provided to meet the needs generated by the project, with due regard for economic utilization of the land and good site planning practice. There shall be provided at least one (1) parking area for each dwelling unit, and two (2) for any building superintendent.

[2] Artificial lighting of the grounds shall provide illumination sufficient for the convenience and safety of older persons.

[3] The project design shall be functional and shall provide for the safety, health and general welfare of occupants of this age group.

[4] The location of buildings, the arrangement of dwelling units within the buildings and suitable materials and methods of construction shall be utilized to reduce the transmission of sound.

[5] Dwelling units may be the one-room efficiency type or may include one-bedroom units, depending upon the occupancy. In no event, however, shall a dwelling unit exceed one (1) bedroom. The minimum floor area for an efficiency-type dwelling unit shall be five hundred (500) square feet. A one bedroom dwelling unit shall have a minimum floor area of six hundred (600) 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-bedroom dwelling unit.

[6] The architectural design of all buildings. The site selection and recreation facilities must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for a group of senior citizens and should take into account the desires and needs of older persons for privacy and for participation in social and community activities. At the same time, provision should be made to accommodate the limitations that sometimes accompany advanced years so that independent living can be sustained as long as possible.

(3) [Added 2-28-78 by L.L. No. 1-1978] Senior citizen housing as permitted in B-4 Zone.

(a) The following are standards in addition to those listed in Subsection E of this section and § 134-15F:

[1] Sites shall afford a safe and convenient system of drives, service access and walks conveniently accessible to all occupants. No roads or driveways shall be located within fifty (50) feet of any street intersection. Onsite facilities for vehicle parking shall be provided to meet the needs generated by the project, with due regard for economic utilization of the land and good site planning practice. There shall be provided at least one (1) parking space for each dwelling unit, and two (2) for any building superintendent.

[2] Artificial lighting of the grounds shall provide illumination sufficient for the convenience and safety of older persons.

[3] The project design shall be functional and shall provide for the safety, health and general welfare of occupants of this age group.

[4] The location of buildings, the arrangement of dwelling units within the buildings and suitable materials and methods of construction shall be utilized to reduce the transmission of sound.

[5] Dwelling units may be the one-room efficiency type or may include one-bedroom units, depending upon the occupancy. In no event, however, shall a dwelling unit exceed one (1) bedroom. The minimum floor area for an efficiency-type dwelling unit shall be five hundred (500) square feet. A one bedroom dwelling unit shall have a minimum floor area of six hundred (600) 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-bedroom dwelling unit.

[6] The architectural design of all buildings. The site selection and recreation facilities must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for a group of senior citizens and should take into account the desires and needs of older persons for privacy and for participation in social and community activities. At the same time, provision should be made to accommodate the limitations that sometimes accompany advanced years so that independent living can be sustained as long as possible.

[7] Adequate facilities shall be provided for the removal of snow, trash and garbage and for general maintenance of the project.

[8] The Village Board shall have the right to require the applicant to dedicate to the public all new streets and recreational areas. The Village Board shall have the right to require that the applicant execute such agreements and covenants as may be required in the opinion of the Village Attorney in order to assure that the premises shall be used in accordance with the terms of the special permit to be issued. Said agreements or covenants shall be such as may be recorded in the Putnam County Clerk's office and constitute a covenant running with the land. Such covenant or agreement may only be modified or released as set forth in said covenant or agreement or by local law of the Village of Cold Spring.

[9] Construction requirements. All buildings and dwelling units constructed under this subsection shall be constructed in accordance with the New York State Building Construction Code, the Code of the Village of Cold Spring ⁽⁵⁾ and conform to any additional requirements of the state or federal programs providing for housing for the elderly where state and/or federal funds are used in the construction and/or acquisition of the senior citizens' housing or site.

[10] Each dwelling unit shall have bath facilities, including as a minimum a lavatory, water closet and bathtub or stall shower. The size of the bathroom and arrangement of the fixtures shall be adequate for the convenient use of the fixtures by older persons. The floor finish shall be impervious to water and shall have nonslip characteristics. The threshold shall be flush with the floor. All plumbing fixtures, accessories and trim shall be selected for and provide the maximum features of design that contribute to the safety, convenience and aid of older persons. Shower stalls shall include a built-in seat or bench or provide room enough for a bath stool.

[11] Community space.

[a] In order to qualify under this subsection, the applicant or sponsor of housing for the elderly shall provide a community space of at least equal to ten (10%) of the total floor area of the buildings. Such community space may include lounges, workshops, game rooms, dining hall and other facilities designed for the elderly. Spaces for medical facilities or dispensaries shall not be considered community space. Community space shall not be in the basement unless there be ground-level ingress or egress into such space. The Village Board shall determine the apportioning of this community space between or among buildings and may modify the community space ratio to conform to the requirements of the state and/or federal agencies providing funds for the construction and/or acquisition of the senior citizen housing and/or site.

[7] Adequate facilities shall be provided for the removal of snow, trash and garbage and for general maintenance of the project.

[8] The Village Board shall have the right to require the applicant to dedicate to the public all new streets and recreational areas. The Village Board shall have the right to require that the applicant execute such agreements and covenants as may be required in the opinion of the Village Attorney in order to assure that the premises shall be used in accordance with the terms of the special permit to be issued. Said agreements or covenants shall be such as may be recorded in the Putnam County Clerk's office and constitute a covenant running with the land. Such covenant or agreement may only be modified or released as set forth in said covenant or agreement or by local law of the Village of Cold Spring.

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[b] Wherever practical, out-of-door facilities, including landscaped sitting areas and space for exercise and games, shall be provided.

[12] Where practicable, self-service laundry facilities for the common use of residents should be provided in a convenient location.

[13] The Zoning Board of Appeals, at the time of authorizing any special permit, may also grant such variances from these regulations as it deems necessary and proper to implement the purposes of this chapter.

(b) Permitted general accessory uses.

[1] Cafeterias or dining halls for use of residents and guests.

[2] A medical dispensary or doctor's office for use of residents.

[3] Storage or tool sheds for on-site equipment and material.

(c) In addition to any other conditions the Zoning Board of Appeals may impose, it may condition its approval upon the applicant's furnishing additional fencing, safety devices, landscaping and other appropriate requirements which will enhance the proposed use.

(d) The Zoning Board of Appeals shall also, as a condition of its approval, require site development plan approval by the Planning Board.

(e) Minimum required.

[1] Lot area: three (3) acres.

[2] Lot area per dwelling unit: two thousand three hundred (2,300) square feet.

[3] Lot width: eighty (80) feet.

[4] Lot depth: one hundred (100) feet.

[5] Front yard: twenty-five (25) feet.

[6] One (1) side yard: twelve (12) feet.

[7] Total both side yards: thirty (30) feet.

[8] Rear yard: thirty (30) feet.

[9] Livable floor area per dwelling unit: six hundred (600) square feet.

[10] Off-street parking area per dwelling unit: two hundred (200) square feet.

[11] Distance between buildings: twice the height of building. (See § 134-17)

(f) Maximum permitted.

[1] Building height.

[a] Stories: two and one-half (2 ½).

[b] Feet: thirty-five (35).

[2] Maximum length of building: one hundred eighty (180) feet.

[3] Building percentage of lot coverage: twenty-five percent (25%).

(4) **[Added 3-27-01 by L.L. 2001-5]** Tourist Homes as permitted in R-1 District

(a) Parking as required by § 134-18E.

(b) Property shall have frontage along state highways

[b] Wherever practical, out-of-door facilities, including landscaped sitting areas and space for exercise and games, shall be provided.

[12] Where practicable, self-service laundry facilities for the common use of residents should be provided in a convenient location.

[13] The Zoning Board of Appeals, at the time of authorizing any special permit, may also grant such variances from these regulations as it deems necessary and proper to implement the purposes of this chapter.

(b) Permitted general accessory uses.

[1] Cafeterias or dining halls for use of residents and guests.

[2] A medical dispensary or doctor's office for use of residents.

[3] Storage or tool sheds for on-site equipment and material.

(c) In addition to any other conditions the Zoning Board of Appeals may impose, it may condition its approval upon the applicant's furnishing additional fencing, safety devices, landscaping and other appropriate requirements which will enhance the proposed use.

(d) The Zoning Board of Appeals shall also, as a condition of its approval, require site development plan approval by the Planning Board.

(e) Minimum required.

[1] Lot area: three (3) acres.

[2] Lot area per dwelling unit: two thousand three hundred (2,300) square feet.

[3] Lot width: eighty (80) feet.

[4] Lot depth: one hundred (100) feet.

[5] Front yard: twenty-five (25) feet.

[6] One (1) side yard: twelve (12) feet.

[7] Total both side yards: thirty (30) feet.

[8] Rear yard: thirty (30) feet.

[9] Livable floor area per dwelling unit: six hundred (600) square feet.

[10] Off-street parking space per dwelling unit: two hundred (200) square feet.

[11] Distance between buildings: twice the height of building. (See § 134-17)

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[a] Stories: two and one-half (2 ½).

[b] Feet: thirty-five (35).

[2] Maximum length of building: one hundred eighty (180) feet.

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(a) Parking as required by § 134-18E.

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CURRENT § 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:

- (a) Such building or garage shall not exceed one and one-half (1½) stories.
- (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.

(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.

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

A. Accessory buildings.

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

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

(c) All such buildings 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) An accessory building may be used as a residence if the accessory building conforms to all the required setbacks for the primary building.

(5) 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) 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.

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 twentyfive 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.

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

(8) 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.

(9) 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.

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(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]

(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.

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[Amended 11-15-2011 by L.L. 4-2011]

CURRENT § 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 or walk

(d) Signs which compete for attention with or may be mistaken for a traffic signal.

(e) The outlining by direct illumination of all or any part of a building, such as a gable, roof, side, wall or corner, except for holiday lighting.

(f) Signs made of cardboard, paper, canvas or similar impermanent material, with the exception of automotive service stations, where seasonal point-of-sale material may be displayed at gasoline pump islands for a period no longer than thirty (30) days.

B. Municipal and governmental uses by the village.

(1) All municipal and governmental uses by the Village of Cold Spring of land and/or buildings are hereby permitted in each and every district.

C. Off-street parking and loading, etc.

(1) Permitted accessory parking.

(a) Off-street parking spaces, open or enclosed, are permitted accessory to any use, subject to the provisions of this Article.

(b) Trailers, other than house trailers.

[1] One (1) trailer, other than a house trailer, may be stored out-of-doors, but not used for any purpose, for a period of not more than one (1) week, on any lot in any district.

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

A. Supplementary sign regulations – see §104 – Signs.

B. Municipal and governmental uses by the village.

(1) All municipal and governmental uses by the Village of Cold Spring of land and/or buildings are hereby permitted in each and every district.

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(b) Trailers, other than house trailers.

[1] One (1) trailer, other than a house trailer, may be stored out-of-doors, but not used for any purpose, for a period of not more than one (1) week, on any lot in any district.

[2] One (1) boat or one (1) boat on a boat trailer, or one (1) camper or one (1) camping trailer may be stored in the open on a lot occupied in conformity with this chapter in any district, for not more than nine months in any year, but same may not be occupied or used for any purpose. If so stored, the minimum yard area for the district must exist, in addition to the area so occupied for such storage.

[3] A "camper" or "camping trailer" as used herein, shall mean a vehicle, unit for attachment to a vehicle, or a trailer, other than a house trailer, designed to be portable and primarily intended for use as a temporary dwelling while camping or traveling away from one's permanent or usual residence.

(2) **[Added 5-9-95 by L.L. 95-7]** Storage of unlicensed vehicles is prohibited in any district.

(a) Except: Where displayed by licensed auto dealerships for sale or lease.

(b) Where in the process of being repaired at licensed repair shops.

D. Driveways. No driveway shall provide access to a lot located in another district, which lot is used for any use prohibited in the district in which such driveway is located.

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.

[2] One (1) boat or one (1) boat on a boat trailer, or one (1) camper or one (1) camping trailer may be stored in the open on a lot occupied in conformity with this chapter in any district, for not more than nine months in any year, but same may not be occupied or used for any purpose. If so stored, the minimum yard area for the district must exist, in addition to the area so occupied for such storage.

[3] A "camper" or "camping trailer" as used herein, shall mean a vehicle, unit for attachment to a vehicle, or a trailer, other than a house trailer, designed to be portable and primarily intended for use as a temporary dwelling while camping or traveling away from one's permanent or usual residence.

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USE (parking space per)	Required number of Parking Spaces (located on same lot, unless otherwise specified)	USE (parking space per)	Required number of Parking Spaces (located on same lot, unless otherwise specified)
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	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	1 for each 12 seats or students or 4 seats in the auditorium whichever is greater	Schools	1 for each 5 students
Hospital, sanatoriums, philanthropic or eleemosynary institutions.	1 for each 3 beds	Hospital, sanatoriums, or philanthropic institutions.	1 for each 3 beds
Rooming house or tourist homes	1 for each guest room	Overnight Accommodation	1 for each guest room
Eating and drinking places	1 for each 3 seats	Eating and drinking places	1 for each 75 square feet of floor area
Funeral Homes	1 for each 2 employees, plus 10 for 1 chapel and 5 spaces for each additional chapel	Funeral Homes	1 for each 2 employees, plus 10 for 1 chapel and 5 spaces for each additional chapel
Hotels and motels	1 for each guest room	Hotels	1 for each guest room
Bowling alleys	4 for each alley	Retail stores	1 for each 250 square feet of ground floor area of the building and each 300 square feet of upper floor area
Home occupation or accessory professional office, except physicians, dentists and attorneys	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. No parking in required minimum of setback areas [Amended 3-27-01 by L.L. 2001-05]	Business and professional offices, financial institutions	1 for each 150 square feet of floor area
Professional office, including physicians, dentists and attorneys, in residential districts	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. No parking in required setback areas [Amended 3-27-01 by L.L. 2001-5]	Entertainment venues	1 per 5 seats (where provided)

Retail stores, business and professional offices, financial institutions	1 for each 150 square feet of ground floor area of the building and each 300 square feet of upper floor area	Other uses	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
Industrial establishments, warehouses wholesale businesses, research laboratories, contractors' businesses, establishments for manufacture, processing or assembly of goods	1 for each 1 ½ employees during largest daily work shift period	Two and multi-family dwelling	1 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
Other uses	Sufficient parking shall be provided for any use not listed herein, to preserve the purpose and intent of this section	One-family dwelling	Off-street parking space per dwelling unit: two (2) spaces
Loading and unloading	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.		

(2) Areas computed as parking spaces. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport or other area available for parking, other than a street or a driveway. However, a driveway within a required yard for a one-family or two-family residence may count as one (1) parking space, other than as restricted on a corner lot as provided in § 134-17B.

(3) Size of spaces. One hundred sixty-two (162) square feet, with a minimum length of eighteen (18) feet and minimum width of nine (9) feet, shall be considered the minimum for one (1) parking space, exclusive of areas required for access and maneuvering. One (1) loading or unloading space shall have a minimum length of thirty (30) feet, a minimum width of twelve (12) feet and a minimum vertical clearance of fifteen (15) feet. **[Amended 3-27- 01 by L.L. 2001-05]**

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(4) Access. Unobstructed access to and from a street shall be provided. Such access shall consist of at least one ten-foot lane for parking areas with less than twenty (20) spaces and at least two (2) ten foot lanes for parking areas with twenty (20) spaces or more.

(5) Drainage and surfacing. All open parking areas shall be properly drained and all such areas of over ten (10) spaces shall be provided with a dustless surface, except for parking spaces accessory to a one-family or two-family residence.

(6) Joint facilities. Required parking spaces, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more establishments whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall not be less than the total required for all such establishments.

(7) **[Added 7-13-2010 by L.L. 2010-01]** Fee in lieu of off-street parking.

(a) For properties located in B-1 or B-2 zoning districts, upon request of the property owner and after review and report by the Planning Board, the Village Board of Trustees may accept the payment of a fee or periodic fees in substitution for providing some or all of the off-street parking spaces required by this Section.

(b) Such a fee in lieu of parking shall be set by resolution of the Village Board on a “per space” basis and in establishing the amount of such fee the Village Board shall consider the present and anticipated future needs for parking facilities in the Village and the impacts thereon of waivers of required off-street parking.

(c) Approval of payment of fees in lieu of parking shall constitute a waiver of off-street parking requirements only for the use for which the property owner requested Village Board approval of a payment in lieu of parking. Upon any change of use, waivers granted under this section shall terminate and the property owner must comply with the parking requirements of this section or obtain new waivers.

(d) All fees collected under this provision shall be used exclusively for Village parking, street and roadway improvement and maintenance including, without limitation, acquisition of municipal parking facilities, maintenance and improvement of municipal parking facilities and expenditures for parking enforcement.

(4) Access. Unobstructed access to and from a street shall be provided. Such access shall consist of at least one ten-foot lane for parking areas with less than twenty (20) spaces and at least two (2) ten foot lanes for parking areas with twenty (20) spaces or more.

(5) Drainage and surfacing. All open parking areas shall be properly drained and all such areas of over ten (10) spaces shall be provided with a dustless surface, except for parking spaces accessory to a one-family or two-family residence.

(6) Joint facilities. Required parking spaces, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more establishments whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall not be less than the total required for all such establishments.

(7) **[Added 7-13-2010 by L.L. 2010-01]** Fee in lieu of off-street parking.

(a) For properties located in B-1 or B-2 zoning districts, upon request of the property owner and after review and report by the Planning Board, the Village Board of Trustees may accept the payment of a fee or periodic fees in substitution for providing some or all of the off-street parking spaces required by this Section.

(b) Such a fee in lieu of parking shall be set by resolution of the Village Board on a “per space” basis and in establishing the amount of such fee the Village Board shall consider the present and anticipated future needs for parking facilities in the Village and the impacts thereon of waivers of required off-street parking.

(c) Approval of payment of fees in lieu of parking shall constitute a waiver of off-street parking requirements only for the use for which the property owner requested Village Board approval of a payment in lieu of parking. Upon any change of use, waivers granted under this section shall terminate and the property owner must comply with the parking requirements of this section or obtain new waivers.

(d) All fees collected under this provision shall be used exclusively for Village parking, street and roadway improvement and maintenance including, without limitation, acquisition of municipal parking facilities, maintenance and improvement of municipal parking facilities and expenditures for parking enforcement.

F. Fees. Any and all fees called for, required or hereafter required under this chapter or for the administration hereof may be established or amended by resolution of the Village Board.

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G. Public utilities. Public utility buildings or structures shall be permitted in any district, subject to the procurement of a special use permit for same in accordance with the requirements and procedures for special use permits under this chapter, and further subject to final approval of same by resolution of the Village Board.

H. **[Added 5-10-05 by L.L. 2005-01]** Unless otherwise expressly stated in this Ordinance, the dimensional requirements and limitations made applicable to a Zoning District shall apply to all uses within such district, whether or not such use is permitted in another district or districts having other or different dimensional requirements or limitations.

I. **[Added 2-18-14 by L.L. 2014-01]** The following uses are expressly prohibited in all districts:

- (1) A formula retail business as defined in Article II, §134-2(B).
- (2) A formula restaurant as defined in Article II, §134-2(B).
- (3) A drive-in, drive-thru or drive-in window as defined in Article II, §134-2(B).

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J. Exceptions to yard requirements.

(1) Fences or walls not over four (4) feet in height may be erected anywhere on the lot. Fences or walls with a height in excess of four (4) feet shall conform to the requirements set forth herein for buildings, that is, conformance to setback requirements.

K. Landscaping within and around parking lots

(1) Parking lots and portions of multifamily and nonresidential properties shall be landscaped and permanently maintained in such manner as to minimize erosion and storm water runoff and harmoniously blend such uses with the character of the Village as a whole. For such spaces, the Village requires:

(a) One tree per every seven (7) spaces in parking lots of between seven (7) and fifteen (15) parking spaces. Up to 100% of trees can be located within buffer perimeter.

(b) One tree per every five (5) spaces in parking lots of fifteen (15) or more spaces. Up to thirty-five percent (35%) of trees can be located within the perimeter. Every fifteen (15) spaces must be divided by a landscaped island, e.g. either in between every fifteen (15) spaces in a continuous aisle or running between facing aisles.

(c) A two (2) foot wide buffer perimeter of three (3) feet minimum height that shall be landscaped and permanently maintained (allowing for visibility) with salt-tolerant ground cover, shrubs and trees; and a swale, or similar green infrastructure method, adequate to manage storm-water pollution prevention.

CURRENT APPENDIX E – TABLE OF DIMENSIONAL REQUIREMENTS

PROPOSED APPENDIX E – TABLE OF DIMENSIONAL REQUIREMENTS

[illegible]

Village of Cold Spring: Table of Dimensional Requirements																
*A					*D											
Lot Area/dwelling unit:					Lot area per dwelling unit: minimum two thousand three hundred (2,300) sq. ft.											
Studio and one-bedroom unit: 4,000 sq. ft.					Livable floor area per dwelling unit: six hundred (600) square feet											
Two-bedroom dwelling unit: 6,500 sq.ft.					Distance between buildings: twice the height of building. (See 134-17)											
Three or more bedroom unit: 8,500 sq.ft.					*E											
Livable area per dwelling unit: six hundred (600) square feet					Front yard fronting on Village Street (other than single family residence) 75 feet											
*B					Single family resident fronting on Village street or State Highway - 25 feet or less											
One side yard :20 feet, unless separate legal access					as permitted by planning board. For use (other than single family residence)											
20 feet wide shall be provided from a public road to the rear yard, in which event no side yard shall be required.					fronting on State Highway - 15 feet or less as permitted by planning board											
In all cases adjoining a residential district, a side yard of 25 feet shall be required.					*F											
					B-1 On Main Street ONLY. [See complete list of requirements]											
*C					*G											
Front, side and rear yards: as determined by Planning Board, minimum 50 feet each per 134-15(F)4					B-1 On Main Street ONLY: 0' set back exception											
No part or portion of any use shall be within fifty (50) feet of any street or lot line					*H											
					See 134-17 E for Lots less than 60' wide for exception											
					*J											
					Detached garages shall have a minimum distance from the property line of three (3) feet or the Height x (.03), whichever is larger											
					*K											
					Planning Board Approval required											
					*L											
					30% if Residential only, 30% if Business only, 50% if Mixed Use (at least 40% floor area must be Commercial and at least 40% of the remaining floor area must be Residential).											

PROPOSED APPENDIX F – CULTURAL FEATURES

Granite carriage step and hitching post at 18 Chestnut St.

Granite hitching post at 173 Main

Stone bench, arch and wall canopy structure, well structure at 2 Depot Square

Metal “Subway” sign on the north side of the east pedestrian railway underpass destroyed/removed Gate post on west side of Morris Ave 41 Morris Ave. Entrance to Morris Estate

Old street signs, if any, such as Furnace St sign that was replaced/ destroyed/removed around 2015

St. Mary’s south stone retaining wall including conical cap Chestnut & Wall St. Parts have collapsed

Stone eagle at 4 B Street

St. Mary's lawn - Longstanding focal point of community

Band Stand at West St/Main St.

Plaque commemorating spring at Depot Restaurant. Lore associated with George Washington naming Village

Bell at Haldane from West Point Foundry administration building

Bell at Fire House at 154 Main St. Bell from Garden Street fire house

Davenport Plaque at 204 Main St.

Retaining wall at 204 - 212 Main St. Parts have collapsed

Memorial on St. Mary's lawn. Corner Main St. and Chestnut St.

Memorials at American Legion Hall at Cedar Street

Parrott gun at Main dock. Replica

Architectural detail Between Cedar St. Spur and Haldane.

Plaque commemorating the entrance to Craigside at corner of Craigside Dr. and Morris Ave. It's hidden by yews

Markers on the south east side of St. Mary's, in lawn

"Cold Spring" Train Station sign at Depot Square

Stone wall at 41 Fair Street, and extending south

Weather vane at base of building at west corner Main and Fair side of 76 Main

Monument at north intersection of Chestnut and Rt. 9D.

2 plaques commemorating Warren house at 10 Fair Street; Emily Warren married Roebling

Palen's Drug sign at 103 Main Street

Old Homestead Club 1887-1908, sign at 144 Main Street

Lunn Terrace Bridge

The Dock and adjoining parks

Dockside Park, part of Hudson Highlands State Park

West Point Foundry Preserve, owned by Scenic Hudson

Mayors Park, Fair Street

Part of Putnam History Museum

RR underpass

