

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Briarcliff Manor

Local Law No. 10 of the year 20²⁴

A local law A LOCAL LAW AMENDING CHAPTER 220-6, SPECIAL PERMIT USES, CHAPTER 220

(Insert Title)

TABLE 2, PERMITTED LOT SIZES, SETBACKS, HEIGHT REQUIRMENTS (RES)

AND TABLE 3, PERMITTED PRINCIPAL AND ACCESSORY USES (COMMERCIAL)

OF THE CODE OF THE VILLAGE OF BRIARCLIFF MANOR

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Briarcliff Manor

as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 10 of 2024 of the (County)(City)(Town)(Village) of BRIARCLIFF MANOR was duly passed by the BOARD OF TRUSTEES on JULY 16 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ¹_____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 8-1-24

(Seal)

A LOCAL LAW AMENDING CHAPTER
220-6 ENTITLED “SPECIAL PERMIT
USES” IN THE CODE OF THE VILLAGE
OF BRIARCLIFF MANOR

Be it enacted by the Board of Trustees of the Village of Briarcliff Manor as follows:

Section 1. Chapter 220 Zoning Section 220-6 Special Permit Uses of the Village of Briarcliff Manor, is hereby repealed in its entirety and replaced with the following:

§ 220-6. Special permit uses.

A.

Statement of purpose. All uses listed as subject to approval as set forth in this section are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as an individual case, and they shall conform, but not be limited, to the following general requirements, as well as the pertinent specific requirements.

B.

General provisions. The special uses listed herein for which conformance to additional standards is required by this Zoning Chapter shall be deemed to be permitted uses subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements as set forth in this Zoning Chapter.

C.

Application, public hearing and general standards. Application for required special permits, and any required site plan or subdivision plan related thereto, shall be made to the Village Board. Each such application shall be referred to the Planning Board for a report, which report shall be rendered prior to the date of public hearing on the application, and in its referral, the Board of Trustees may specify particular questions and issues for the Planning Board to address in its report. A public hearing for the special permit application shall be held within 62 days of receipt of a complete application and shall require the same notice required by law for zoning amendments. Within 62 days of the close of the public hearing, the Village Board shall decide whether to approve, approve with modifications or disapprove the special permit application. The time at which the Village Board must arrive at its decision may be extended at the request of the applicant or as necessary for the Village Board to complete all necessary environmental review requirements pursuant to the State Environmental Quality Review Act (SEQRA). A copy of the Board's decision shall be filed in the office of the Village Clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant. The Village Board may authorize the issuance of a permit, provided that it shall find that all of the following conditions and standards have been met and may deny such application which in its judgment is not in accordance with said conditions and standards.

[Amended 9-28-2021 by L.L. No. 16-2021]

(1)

Such use will not prevent or substantially impair: (a) the reasonable and orderly use of other properties in the neighborhood; or (b) the reasonable and orderly development of other properties in the neighborhood. The location and size of the use, including the nature and

intensity of the proposed operations and traffic involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to the type, arrangement and capacity of streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the neighborhood in which it is located.

(2)

The location, nature and height of buildings, walls and fences, and the nature and extent of the landscaping and screening on the site, as existing or proposed, are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings. Conservation of existing trees, especially specimen trees or trees of significant aesthetic value, will be given appropriate consideration.

(3)

Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibrations, lighting or flashing of lights than would be the operations of any permitted use not requiring a special permit.

(4)

Parking areas will be of adequate size for the particular use properly located and suitably screened from any adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

(5)

Each special use shall be of such character, intensity, size and location that in general it will be in harmony with the orderly development of the neighborhood in which the property is situated and will not be detrimental to the orderly development of adjacent neighborhoods.

(6)

Each special use sought in or adjacent to a residential district shall be so located on the lot involved that it shall not impair the use, enjoyment and value of adjacent residential properties.

(7)

The nature and intensity of a special use sought in or adjacent to a residential district and the traffic generated by it shall not be hazardous, incongruous or detrimental to the prevailing residential character of the neighborhood.

(8)

Each special use in a business district shall be harmonious with the district in which its location is sought, shall not create undue pedestrian or vehicular traffic hazards and shall not include any display of signs, noise, fumes or lights that will hinder the normal development of the district or impair the use, enjoyment and value of adjacent land and buildings.

(9)

Such use will be in harmony with and promote the general purposes and intent of this chapter.

(10)

The health, safety, welfare, comfort, convenience and order of the Village will not be adversely affected by the proposed use.

(11)

The site is particularly suitable for the location of such use in the community. The site area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation thereof.

(12)

Environmentally constrained areas, consisting of slopes above 25%, wetlands and wetland buffers, streams and bodies of water, shall be deducted from the buildable area of any parcel being considered for a special permit. The Village Board may allow for environmentally constrained lands to be restored to the buildable area of a parcel, if an environmental resource mitigation plan is provided which documents specific mitigation measures, protection techniques, restoration or rehabilitation methods, either on- or off-site, that adequately protects the environmental resource.

(13)

The architectural features and design that may be within the public view at any time of year shall be of impressive quality, attractive, and harmonious in style and appearance to other structures within the site as well as to any neighboring properties.

(14)

The Village Board of Trustees shall not consider any application for a special permit when the property owner of the property under consideration for the special permit is in violation of the Village Code pursuant to Chapter **90**, Building Construction and Fire Protection, or if such owner, or applicant, is delinquent with fees for Village services or utilities, taxes, penalty, or interest due at the time of requesting the special permit.

D.

Required application submissions.

(1)

A plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special permit. The plan shall be drawn to some convenient scale, and shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, topography, special features, and any other pertinent information, including such information about neighboring properties as may be necessary to determine and provide for the enforcement of this Zoning Chapter.

(2)

A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter **184**, Article **I**, Stormwater Management and Erosion and Sediment Control, shall be required for any special permit approval that qualifies or authorizes a land development activity as defined in Chapter **184**, Article **I**. The SWPPP shall meet the performance and design criteria and standards in Chapter **184**, Article **I**. The approved special permit shall be consistent with the provisions of Chapter **184**, Article **I**.

(3)

A marketing study shall be provided demonstrating that a viable and robust market exists for the proposed use.

(4)

An infrastructure and utility study shall be provided demonstrating that the infrastructural and utility network serving the site is in good working order, and that adequate capacities exist to support the proposed use. This study shall include an Inflow and Infiltration (I&I) analysis and shall document how I&I will be reduced by a 3:1 ratio, either on or in the immediate vicinity of the site, or elsewhere in the Village.

(5)

A traffic study shall be provided documenting existing traffic operating conditions in the vicinity of the site, potential traffic-related impacts of the proposed use, and necessary mitigation measures. This study shall include measures to enhance public transit to and from the site.

(6)

A municipal service impact study shall be provided documenting impacts of the proposed use on municipal services.

(7)

An educational resources impact study shall be provided documenting impacts of the proposed use on local public schools.

(8)

A fiscal impact analysis shall be provided showing the likely assessed revenue flowing to the municipality from the proposed development, compared with the public services and infrastructure costs of the proposed development to be borne by the municipality. Any proposed use shall not negatively impact the financial stability of the Village, or impacted Village school districts, by reducing the anticipated ten-year tax revenue that would likely be generated by the proposed use when compared to the likely alternative of rejecting the proposed use.

(9)

The Board of Trustees may limit or waive, while reserving its right to require at any time prior to rendering an approval, any of the above required submissions for any (renewal) special permit application if the Board of Trustees is satisfied that the application otherwise meets all required submissions necessary for consideration of approval under this chapter.

[Added 9-28-2021 by L.L. No. 16-2021]

E.

Conditions and safeguards. The Village Board shall attach such conditions and safeguards to the special permit as are necessary to assure continual conformance to all applicable standards and requirements. The Building Inspector or any Code Enforcement Officer may provide notice to a permittee, and subsequently enter any site or structure operating under special permit to ensure compliance with the conditions therein. Any special permit issued shall expire and be subject to renewal by the Board of Trustees no less frequently than every five years, unless an alternate period is provided by the Board of Trustees as a condition of such permit, to ensure compliance with all conditions of such special use. If compliance with all conditions of a special permit is not confirmed, or any deficiencies of such compliance are not rectified to the satisfaction of the Board of Trustees within 90 days of notification to the permittee, or other such deadline as may be extended, the special permit shall be deemed invalid and terminated. If there are activities on the property that were not contemplated when the special permit was approved, or if there is an unanticipated significant increase in any activity permitted under the special permit, then the Board of Trustees, in its sole discretion, may require additional mitigation, and the conditions of the special permit, or any renewal thereof, may be modified to provide for such mitigation.

[Amended 9-28-2021 by L.L. No. 16-2021]

F.

Time limitations of permit. The Village Board may issue a temporary special permit subject to adequate guarantees that the use will be terminated, at the end of the period specified in the Board's approval, or it may issue a special permit for a stated period, subject to an application for renewal or extension of said permit.

G.

Expiration. A special permit shall be deemed to authorize only the particular use or uses specified in the permit and shall expire if said use or uses shall cease for more than 12 months for any reason.

H.

Existing violations. No permit shall be issued for a special use for a property upon which there is an existing Zoning Chapter violation, or any other violation within the jurisdiction of a Code Enforcement Officer as defined in Chapter **104**, Code Enforcement, as may be amended from time to time.

[Amended 6-15-2021 by L.L. No. 9-2021]

I.

Preexisting uses deemed to be conforming. Any lawful use existing at the time of an amendment of this chapter may be continued and shall be deemed to be a conforming use; but any modification, change or extension to any use newly permitted by an amendment to this chapter, or any increase or expansion of a previously permitted use, shall be subject to the issuance of a special permit as provided in this chapter.

J.

Special uses in residence districts.

[Amended 6-15-2021 by L.L. No. 9-2021]

The following restrictions shall apply to any special use in a residential district:

- a. The lot area shall be not less than five acres and shall have primary access from, and frontage of no less than 200 feet along, a state, county, arterial or collector road, as defined by the NYS Department of Transportation.
- b. All buildings and structures shall be set back a minimum of 100 feet from any lot line, except that in no case shall such buildings and structures be set back less than the any required setback for its specific use.
- c. Lot coverage shall not exceed the greater of 20% and the maximum percentage permitted for the specific use, whichever is less.
- d. Off-street parking applicable to such use shall not be located in any front yard nor within 50 feet of any side or rear lot line.
- e. The above restrictions shall not apply to any property operating under a valid special use permit existing at the time of adoption of this chapter.

(1)

Places of worship. Includes parish houses and religious school buildings, subject to the following:

(a)

Sanctuary buildings and buildings accommodating public assembly shall be setback a minimum of 100 feet from all property lines.

(b)

Accessory residential buildings shall be set back a minimum of 100 feet from all property lines.

(c)

Off-street parking shall be provided in accordance with § **220-12**.

(d)

The entrance to all off-street parking lots shall be from an internal driveway and not from a public street.

(e)

Ancillary uses such as emergency temporary shelter, schools, food pantries or soup kitchens, clothing or food drop boxes or nonaffiliated social service activities (AA, drug rehabilitation, counseling services, etc.) or leasing spaces to other outside groups or organizations is prohibited, unless specifically authorized by the Village Board or provided by state or federal law.

(f)

In areas proximate to neighboring residences, noise resulting from public address systems, bells, chimes, clarions, calls to prayer, etc., shall adhere to Chapter **146**, Noise, to the extent practicable, and to respect the peace and tranquility of adjacent residential neighbors.

(g)

Exterior site lighting shall not exceed zero footcandles along all property lines, except at the entrance driveway, where it shall not exceed one footcandle.

(h)

During holidays, special occasions and when higher-than-normal attendance is anticipated, special traffic control measures shall be implemented, in coordination with the Village of Briarcliff Manor Police Department, and recorded in the special permit.

(i)

The requirement to provide a market study pursuant to § **220-6D(3)** shall not apply, unless otherwise required as part of the SEQRA review process.

(j)

The requirement to provide a fiscal impact analysis pursuant to § **220-6D(7)** shall not apply unless otherwise required as part of the SEQRA review process.

(2)

Institutions of higher learning operated for profit.

(3)

(Reserved)

(4)

(Reserved)

(5)

Building, for sale of agricultural products. The establishment and maintenance of a separate building for the sale of only such agricultural products as have been grown on the same land, provided that:

(a)

Any such building is distant at least 75 feet from any side or rear lot line and at least 40 feet from any street line; and

(b)

That not less than 10 off-street parking units are provided in connection therewith.

(6)

Clubs, lodges and other recreational facilities. On lots of five acres or more, clubs, lodges and social recreational buildings, provided that:

(a)

Any dance hall, gymnasium, locker room, bowling alley, swimming pool or ground for games or sports is located at such distance from any lot line as the Planning Board finds necessary in a particular case, but in any event not less than 100 feet from any lot line;

(b)

Wherever required, the State and County Departments of Health certify that such installation complies with their respective codes and regulations; and

(c)

There is not less than one off-street parking unit for each three members of a golf, swimming or country club and one such unit for each five members in other clubs or lodges.

(d)

Any use of such facilities for private parties or other use by non-members may be subject to reasonable additional conditions provided in the permit for special use.

(7)

Convalescent or nursing home or homes for the aged. On lots of five acres or more, a convalescent or nursing home or a home for the aged, provided that:

(a)

Such home is located at least 75 feet from any street or lot line and contains accommodations for not more than 10 patients or staff members per acre; and

(b)

There is provided not less than one off-street parking unit for each medical or nursing staff member, one unit for each three beds for patients or guests and one unit for each two service employees.

(8)

Hospitals and other philanthropic institutions. On lots of 400,000 square feet or more hospitals, sanitariums or philanthropic or eleemosynary institutions other than those for correctional purposes, provided that:

(a)

(Reserved)

(b)

Any building so used is located at least 100 feet from any lot line;

(c)

The total population therein, including patients and staff, does not exceed 10 persons per acre; and

(d)

There is provided not less than one off-street parking unit for each medical or nursing staff member, one unit for each three beds for patients or guests and one unit for each two service employees.

(9)

Conversion to multifamily occupancy. On lots of 10 acres or more, the conversion of a residential building in existence at the time of the enactment of this chapter to a multifamily use, provided that:

(a)

The number of dwelling units therein does not exceed the lot area thereof divided by the minimum lot area per family specified in the schedule for the district in which it is situated; and

(b)

Such building is located at least 100 feet from any side or rear lot line; and

(c)

The average livable floor area per dwelling unit therein is not less than 750 square feet; and

(d)

There is provided one off-street parking unit for each dwelling unit therein.

(10)

Privately operated nursery schools.

(a)

Ancillary to another special permit use in a residential district under this section and organized under either the New York Business Corporation Law, Partnership Law or the Limited Liability Company Law, with the consent of the Commissioner of Education of the New York State Education Department, provided that the nursery school:

[1]

Is for the care and/or instruction of six or more children, who are up to seven years in age, for up to six hours daily, such children not to live on the premises;

[2]

Is located on either a major or secondary street, as defined in Village Code § **190-27**;

[3]

Minimum lot size: two acres;

[4]

Minimum enclosed play space per pupil: 50 square feet;

[5]

Enclosed play space located at least 75 feet from any side or rear lot line;

[6]

Minimum of eight off-street parking units with four additional units for each classroom exceeding one; and

[7]

At a minimum, the nursery school must comply with the following safety features and must receive a positive health inspection report from the Westchester County Department of Health: separate girls' and boys' bathrooms, posted evacuation routes, illuminated fire exit sign and fire extinguishers.

(b)

Prior to occupancy and/or use of such nursery school pursuant to this subsection, the property owner shall notify each municipal Assessor with jurisdiction over the premises of the change in use to "for profit" for which a special permit is granted. Each municipal Assessor shall make such real property tax adjustments, reassessments and/or determinations as may be appropriate and lawfully permitted as a result of such nursery school's occupancy and/or use of the premises on a for-profit basis.

(11)

Museums and art galleries. On lots of two acres or more museums and art galleries, provided that:

(a)

The grounds and exterior of all buildings are maintained in conformity with the prevailing standards of the surrounding residential neighborhood; and

(b)

There is provided one off-street parking unit for each person employed therein and 10 units for the use of visitors thereto.

(12)

(Reserved)

(13)

(Reserved)

(14)

Senior care community within the R60A and R80A Residential Districts. The Village Board may grant a special permit for construction and operation of a senior care community, as defined in § **220-2** of this Code, as a permanent institutional use, subject to the following standards and requirements set forth below:

(a)

Notwithstanding the criteria set forth in the Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings,¹⁴ the following parameters shall govern the establishment of any senior care community:

[1]

Minimum size of lot. The minimum size of the lot on which a senior care community may be established shall be 50 acres.

[2]

Maximum density. No more than six ILUs per acre or 10 residents per acre shall be permitted in any senior care community.

[3]

Dimensional requirements applicable to senior care community development. The size of any building and development situated in a senior care community in the R60A or R80A District shall conform to the R60A or the R80A District requirements, respectively, except as set forth herein:

[a]

The maximum gross floor area ratio shall not exceed 0.35. For the purposes of this section, below-grade parking areas, loading areas, cellars, balconies, mezzanines and storage or mechanical spaces shall not be considered as floor area.

[b]

The maximum building coverage shall not exceed 10%, excluding any structures or portions thereof used for Village purposes.

[c]

In addition to the requirements of Subsection **C**, the Village Board shall establish the appropriate location, arrangement, length, width and height of the building(s) on the property, with specific consideration to the visual impact of the development on the surrounding properties.

[d]

At least 75% of the land shall be maintained as open space, unoccupied by any buildings or aboveground parking areas, other than those used for Village purposes. Any calculation of open space on the property shall include any land available for public recreational use.

[e]

A minimum setback of 125 feet shall be provided along all portions of the land abutting any public street line. Such setback shall be appropriately planted and properly maintained, as detailed in any relevant special permit conditions.

[f]

Notwithstanding the provisions of the Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings, Exceptions and Modifications,²¹ Subsection 1(c), as to height, the maximum building height shall not exceed 10 stories.

[2]

Editor's Note: The Schedule is included as an attachment to this chapter.

[1]

Editor's Note: The Schedule is included as an attachment to this chapter.

(b)

Required findings. In addition to the requirements of Subsection C, the Village Board of Trustees shall make each and every one of the following findings:

[1]

The proposed senior care community will preserve large contiguous areas as open space.

[2]

The proposed senior care community will increase and diversify the tax base with relatively little impact on Village services.

[3]

The proposed senior care community will provide alternate forms of housing to meet the changing needs of Village and area residents and allow residents to remain in Briarcliff Manor.

[4]

There will not be an overabundance of such facilities or other age-restricted housing within the Village.

[5]

The proposed senior care community is needed and appropriate.

(c)

Off-street parking and loading.

[1]

Off-street parking requirements. The minimum off-street parking requirements for a senior care community shall be based upon the following, as may be deemed appropriate by the Board of Trustees, which, in the exercise of its administrative discretion, may reduce such requirements:

[a]

Residential parking requirement: 1.2 spaces per ILU; and

[b]

Staff and amenity parking: 0.4 space multiplied by the number of aggregate ILU, ALU and SNF units; and

[c]

Visitor parking: 0.15 space multiplied by the number of aggregate ILU, ALU and SNF units.

[2]

Off-street loading. In connection with the issuance of the special permit for the senior care community, the Village Board shall ensure that appropriate loading areas are provided in suitable locations to properly service the needs of the senior care community.

[3]

Design and layout. In connection with the design and layout of any parking or loading areas, the approving agency shall be guided by the provisions of § **220-12** of the Zoning Law and may grant waivers from compliance with the provisions of § **220-12C(6)**, entitled "Landscaping within parking areas," in the interest of achieving an appropriate layout and design for the operation of the senior care community in any development where structured parking is provided below the grade of the first story of the principal building served thereby.

(d)

Other requirements. In addition to the special standards described above, to the extent not inconsistent herewith, a senior care community shall comply with all other requirements of the Zoning Law of the Village of Briarcliff Manor, including but not limited to the special permit use provisions detailed in § **220-6** and the Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings.¹³¹

[3]

*Editor's Note: The Schedule is **included as an attachment to this chapter.***

(15)

Large-scale solar collection system ("solar farms").

[Added 9-28-2021 by L.L. No. 16-2021]

(a)

Large-scale solar collectors may be permitted as an accessory use in all residential zoning districts, shall comply with Chapter **178**, and shall meet the following additional requirements:

[1]

The total development coverage of all buildings and structures on a lot, including freestanding solar panels which shall be measured in terms of surface area for the purpose of calculating coverage, shall not exceed 75%.

[2]

Height, setback and lot area restrictions.

[a]

The minimum lot area shall be 400,000 square feet.

[b]

The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed the greater of i) 20 feet and ii) the maximum height for an accessory structure of the building zone of the underlining property, and in all cases shall not exceed the minimum height necessary to operate adequately.

[c]

The minimum setback from property lines for all solar collectors and equipment shall be 200 feet.

[d]

A landscaped buffer shall be provided around all solar collectors and equipment to provide screening from adjacent properties and roads.

[3]

Design standards.

[a]

Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property. A reforestation plan requiring two trees to be planted on-site to replace each tree removed, or a plan requiring a ratio of more than two replacement trees located at other areas within the Village for each tree removed on-site or other such plan as may be approved by the Planning Board, shall be implemented according to a schedule approved by the Planning Board.

[b]

All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

[c]

All solar collectors and mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a self-locking gate provided with landscape screening.

[d]

A large-scale solar collector to be connected to the utility grid shall provide a proof of concept letter from the utility company acknowledging the solar farm will be connected to the utility grid in order to sell electricity through the public utility. Such information should be included as part of the building permit application.

[4]

Signs.

[a]

A sign not to exceed eight square feet shall be placed on or near the main access point and shall list the facility name, owner and phone number.

[b]

A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

[5]

Abandonment.

[a]

All applications for a large-scale solar collection system shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity or in conjunction with removal of the facility, prior to issuance of a building permit.

[b]

The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:

[i]

Removal of above-ground and below-ground equipment, structures and foundations.

[ii]

Restoration of the surface grade and soil after removal of equipment.

[iii]

Revegetation of restored soil areas with native seed mixes, excluding any invasive species.

[iv]

The plan should include a time frame for the completion of site restoration work.

[c]

In the event that the facility is not completed and functioning within 18 months of the issuance of the final special permit approval, the Village may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fails to perform and unless documentation is provided from the utility, the Village may notify the owner and/or operator that failure to complete construction has been deemed to constitute an abandonment, and the Village may require the owner and/or operator to implement the decommissioning plan.

[d]

Upon cessation of activity of a constructed facility for more than 12 consecutive months, the Village may notify the owner and/or operator of the facility to implement the decommissioning plan at the owner's expense. In the event the owner fails to complete such decommissioning plan, the Village may effect such decommissioning, and any costs and resulting expenses incurred by the Village shall be charged to the owner of the property. In the event that the amount due to the Village by the owner is not paid within 30 days following notification by the Village, the costs and expenses shall become a lien upon the property involved and shall be added to, and become part of, the property taxes next to be assessed and levied upon such property by the Village and shall bear interest at the same rate as, and be collected and enforced in the same manner as, taxes.

(16)

Tier 2 battery energy storage systems, compliant with Chapter **178**.

[Added 9-28-2021 by L.L. No. 16-2021]

K.

Special uses in a B1 Retail Business District or a B1A Retail Business and Residential District.

(1)

Any special use permitted in a residential district.

(2)

Parking lot. Parking lot operated for gain for the storage of private passenger vehicles but not for storage of used or new motor vehicles for sale or for hire, provided that:

(a)

All means of ingress and egress are approved by the Chief of Police as to the safety and adequacy; and

(b)

The street frontage and any portion of such parking lot bordering on a residential district are suitably screened or fenced in such manner as the Village Board may require.

(3)

Bus terminal. Bus terminal, provided that:

(a)

There is no loading or unloading of any bus in a public street;

(b)

Sufficient loading and unloading areas adjacent to a covered platform of the terminal are provided to accommodate the maximum number of buses operating at any time;

(c)

Sufficient off-street parking area is provided to accommodate all buses within the terminal area actually in use at any one time;

(d)

Sufficient off-street parking space is provided to accommodate at peak operations private cars delivering or waiting to pick up passengers arriving or departing by bus; and

(e)

The location of all entrances and exits and the adequacy of all approach and turning areas and of all street parking loading areas are approved by the Chief of Police and the Village Engineer prior to the issuance of any permit.

(4)

Floor area of any enclosed structure for sale of goods at retail, or performance of customary personal service or services clearly incidental to retail sales, primarily for the convenience of the inhabitants of the Village and the immediate locality, or a designed group of such retail establishments used for merchandising or personal service in excess of that which, under this chapter, requires 100 off-street parking spaces may be permitted if situated on the same lot or lots aggregating in excess of two acres that together form a single functional shopping center, upon the determination by the Board of Trustees that:

(a)

At least 4.5 parking spaces per 1,000 square feet of floor area shall be provided for such retail establishment or designed group of such retail establishments.

(b)

The requirement of 4.5 parking spaces per 1,000 square feet of floor area may be reduced by the Board of Trustees if the applicant demonstrates and the Board of Trustees finds that the capacity of such on-site parking is sufficient to meet the demands of such retail establishment or designed group of such retail establishments by reason of the provision of nonreserved parking spaces and variation in the probable time of maximum use by visitors, patrons and employees of such use(s), but:

[1]

In connection with existing uses, the Board of Trustees shall require a parking accumulation study to be prepared during peak-hour utilization to demonstrate that sufficient parking spaces exist so that no overflow parking is likely to occur in any public street; and

[2]

Any reduction in parking granted by the Board of Trustees below the 4.5 spaces per 1,000 square feet of floor area shall be provided in land-banked areas indicated on an approved site plan; and

[3]

Notwithstanding the provisions of § **220-6K(4)(a)** above, at no time shall any such parking requirement be reduced to less than four parking spaces per 1,000 square feet of floor area.

(c)

Traffic access to, from and within any such retail establishment or designed group of such retail establishments shall be from a public street of adequate capacity and design to safely and conveniently accommodate the expected traffic from such use.

(d)

Any change in use of more than 10,000 square feet of floor area shall require:

[1]

If land-banked parking units are available:

[a]

Amendment on reapproval of the special use permit by the Board of Trustees in accordance with § **220-6K(4)**; and

[b]

If less than 4.5 spaces per 1,000 are to be provided, submission of a parking accumulation study for referral to and recommendation from the Planning Board, and if the Planning Board determines on the basis thereof that additional parking spaces are required to accommodate the demand of such use, land-banked spaces shall be made available for use.

[2]

If land-banked parking spaces are not available, amendment of the special use permit by the Board of Trustees in accordance with § **220-6K(4)**.

L.

Special uses in Central Business Districts.

(1)

Central Business District 1 (CB1).

(a)

Any special use permitted in a residential district and subject to the same requirements.

(b)

Any special use permitted in a retail business district and subject to the same requirements.

(2)

Central Business District 2 (CB2).

(a)

Any special use permitted in any other district and subject to the same requirements.

M.

Special uses in Complementary Use Transition CT Zoning Districts. Properties in the Village of Briarcliff Manor that are located within the CT zoning districts are unique in their location, configuration, environmental constraints, relationship to surrounding uses, access, infrastructure and prior use. Repurposing these properties to support their reuse in an appropriately scaled, sustainable and economically viable manner that is complementary with surrounding uses is the goal of the Village. All uses permitted in the CT zoning districts are established as special permit uses, subject to the regulatory controls and standards set forth herein.

(1)

Special permit criteria applicable for any use within any CT district:

(a)

No special permit use shall be permitted that creates an opportunity to assemble additional parcels, thereby expanding the use to adjacent properties, unless such use is already permitted on the adjacent property.

(b)

Parking stalls shall not be located within the minimum front yard or within 50 feet from any property line. All parking areas shall be screened and buffered by landscaping. A minimum ten-foot landscaped strip shall abut all parking areas, consisting of staggered evergreen plantings. Additionally, landscaped islands shall be provided in all parking lots containing 25 or more spaces, at a ratio of 15 square feet per parking space. This landscaping shall include shade trees to reduce the heat island effect resulting from large paved areas. To reduce

impervious surface coverage, pervious pavers may be utilized in less heavily trafficked portions of the parking lots, but not in travel aisles, subject to the approval of the Village Board.

(c)

Access for trucks and service vehicles shall include loading bays adjacent to or within buildings, which bays shall not be located within required parking lots or within the required minimum front yard. The minimum dimensions of a loading bay shall be 10 feet in width by 30 feet in depth and 14 feet in height.

(d)

The limited permitted uses for any property situated within each CT district shall be specified within Chapter **220**, Table 3.^[4]

[4]

Editor's Note: Table 3 is included as an attachment to this chapter.

(e)

All minimum lot sizes, lot limitations and dimensions, setback requirements, maximum building heights, maximum lot coverage, and other development restrictions shall be consistent with the requirements of Chapter **220**, Table 4, as may be amended,^[5] unless otherwise specified in this chapter.

[5]

Editor's Note: Table 4 is included as an attachment to this chapter.

(f)

Any development on a lot within any CT district shall preserve the minimum usable open space expressed as a percentage of land specified in Table 4, as may be amended, which shall include as open space any areas of steep slopes, wetlands, natural buffer areas, and any other portions of the lot undisturbed by buildings, roadways, parking, or other impervious surfaces.

(g)

Building area. The sum of the combined total gross floor areas of all floors in principal and accessory buildings shall not exceed 40% of the lot area.

(h)

In the CT1 and CT3 Zoning Districts, which contain large parcels, mixed-use developments are encouraged.

(2)

Additional special permit criteria applicable for specific uses within CT districts:

(a)

Office.

[1]

Off-street parking shall be provided in accordance with § **220-12**.

[2]

A minimum of 10% of the total number of parking spaces on the site are reserved for the exclusive use of visitors in such locations as are determined by the Planning Board;

[3]

Food service is available at the site for the use of the tenants, provided that such food may be prepared on- or off-site and provided, further, that where the building consists of less than 50,000 square feet of non-warehouse space, the Planning Board may waive this requirement.

[4]

The employee population of the entire site shall not exceed one employee per 250 gross square feet of floor area of the principal office building or buildings as identified on the required site plan;

[5]

The owner/landlord of the site shall, within 10 days prior to the commencement of occupancy of any tenant, or as part of any application for a building permit to demise a tenant space, certify to the Building Inspector the maximum employee population of that tenant and of the then total employee population of the site, and shall also annually certify the total employee population of the site.

(b)

Research laboratory, biomedical and biotech facilities.

[1]

No research laboratory shall be permitted which may be expected:

[a]

To cause offensive noises, gases, fumes, odors or vibrations beyond its property lines;

[b]

To involve any operation which presents a hazard to the general public; or

[c]

To discharge waste products of a character creating a nuisance.

[2]

Pilot plants for the testing of manufacturing, processing or fabrication methods or for the testing of products or materials shall be permitted only as accessory to a research laboratory, and in no case shall more than 30% of the total floor area be devoted to such uses. No materials or finished products shall be manufactured, processed or fabricated on said premises for sale, except such as are incidental to said laboratory research, design or experimental work.

[3]

No manufactured or commercial explosives or hazardous chemicals shall be kept, maintained or stored on said premises except in small quantities for laboratory research, design or experimental use, and then only in compliance with all applicable federal, state and local safety statutes. An inventory of all such materials shall be compiled, updated regularly and supplied to the Fire Department annually.

[4]

Animals may be kept or maintained when necessary for laboratory research, design or experimental work in a vivarium or similar facility, but only after specific authorization by the Village Board, which shall limit the number and kind of animals, designate the place for keeping of such animals, impose regulations recommended by the County Health Department and provide for suitable safeguards, including fencing and landscaping, to protect the public health, safety and welfare.

[5]

Warehouse use shall only be permitted if a determination is made by the Village Board that such use will not result in an adverse traffic condition, as defined by a reduction in adjacent intersection level of service by one classification (i.e., A to B or C to D, etc.).

[6]

Nothing herein shall permit any research, development, manufacture, or distribution related to virology that may be hazardous to the general public.

[7]

A minimum 100-foot undisturbed wooded buffer setback shall be preserved around the perimeter of the existing parcel. The only permitted encroachment into this buffer shall be for access roadway(s) and utilities.

[8]

Loading. Access for trucks and service vehicles shall include loading bays adjacent to or within buildings, which bays shall not be located within parking lots or within the required yards. The minimum dimensions of a loading bay shall be 10 feet in width by 30 feet in depth and 14 feet in height.

[9]

Off-street parking shall be provided in accordance with § **220-12**, except that the required number of off-street parking spaces shall be one space for each 400 square feet of gross floor area.

[10]

The entrance to all off-street parking lots shall be from an internal driveway, and not from a public street.

(c)

Data storage.

[1]

A minimum fifty-foot undisturbed wooded buffer setback shall be preserved around the perimeter of the existing parcel. The only permitted encroachment into this buffer shall be for access roadway(s), and utilities.

[2]

Off-street parking shall be provided in accordance with § **220-12**, except that the required number of off-street parking spaces shall be one space per employee.

[3]

Any extraordinary utility demands shall be identified, and an assessment regarding the adequacy of existing services, or required upgrades, shall be provided.

[4]

Antennas used to transmit or receive data shall be setback from all property lines by 350 feet and shall be fully screened and buffered by robust landscaping from all adjacent residences and public streets or viewpoints.

[5]

Any noise generated from heavy demand of HVAC equipment or generators for emergency or backup electrical service shall be in compliance with Chapter **146**, Noise.

(d)

Conference center/event space.

[1]

Off-street parking shall be provided in accordance with § **220-12**, and that this use shall comply with the minimum required parking established for "theater, auditorium, stadium or other place of public assembly, including a place of worship."

(e)

Medical office, outpatient and ambulatory care facilities.

[1]

The minimum size of a lot for a medical office, outpatient and ambulatory care facility shall be 200,000 square feet in CT2 and 400,000 square feet in all other CT districts.

[2]

Off-street parking shall be provided in accordance with § **220-12**, except that the off-street parking requirement shall be one space per 200 square feet of gross floor area or four space per patient room, whichever is greater.

[3]

A patient pickup/dropoff area shall be provided that is located outside travel aisles, fire lanes, and in close proximity to the primary building entrance. This area shall accommodate a minimum of three vehicles and also be sized to accommodate an ambulance.

[4]

The primary building entrance shall be protected by a weatherproof enclosure or canopy.

[5]

Pedestrian circulation through the parking lot shall be well organized, and a minimum of one protected pedestrian pathway located outside vehicle travel lanes shall be provided to the primary building entrance. All crossings of vehicle travel lanes shall occur within a crosswalk defined by paint, alternative paving, raised surface or other measures. All pedestrian circulation pathways shall be ADA compliant.

[6]

Pedestrian pathways shall be adequately lighted and appropriately signed.

(f)

Fitness club, training facilities.

[1]

Off-street parking shall be provided in accordance with § **220-12**, except that:

[a]

Five off-street parking spaces shall be provided for each 1,000 square feet of gross floor area.

[2]

If an outdoor swimming pool is proposed, it shall be set back from all property lines by a minimum of 100 feet and shall be fully enclosed by solid wood or vinyl fencing and robust landscape screening.

[3]

Outdoor public address systems or amplified music is prohibited.

(g)

Self-storage facilities.

[1]

The use is limited to individual storage units or compartments.

[2]

Storage units shall be a minimum of 50 square feet and shall not exceed 300 square feet.

[3]

Storage units shall not be used for manufacture, fabrication, processing, vehicle or equipment repair or similar activities or to conduct retail sales of any kind or any other commercial activity on the site.

[4]

No outside storage shall be permitted.

[5]

The building shall be designed to have an architectural character that is harmonious with the surrounding neighborhood and minimizes the historically negative appearance of such facilities. Building colors shall be neutral or earth-tone and shall not call attention to the use. Exterior walls visible from a public street shall not include metal as the primary material.

[6]

All self-storage facilities shall include continuous video surveillance of all indoor and outdoor common areas.

[7]

The hours of access to a self-storage facility shall be restricted to the hours between 6:00 a.m. and 10:00 p.m., or as further limited by the Planning Board or Board of Trustees.

[8]

All garage or roll-up doors serving individual storage units shall be adequately screened, preferably by natural plantings, or located to minimize visual impacts from surrounding properties and, where possible, from public roadways.

[9]

No less than 20% of the front facade shall consist of a nonreflecting glazing material.

[10]

Fencing shall be masonry, wrought iron, steel, wood or aluminum and shall be painted or vinyl-coated with colors that complement the building.

[11]

High-security fencing, razor ribbon or similar materials is prohibited.

[12]

All multistory self-storage facilities shall have elevators.

[13]

No more than 10% of individual storage units shall be directly accessible from the exterior of the building.

[14]

Ninety percent of all units shall only be accessible from the interior of the building.

[15]

The self-storage facility shall contain sprinklers if required by NYS Code.

[16]

No self-storage facility in any CT Zoning District shall exceed 100,000 square feet of storage space or include more than 500 storage units.

[17]

A self-storage facility shall have frontage on, and direct access to, a state or county roadway.

(h)

Museum or art gallery.

[1]

The minimum size of a lot for a museum or art gallery shall be 10,000 square feet and shall only be permitted as part of a mixed-use development.

[2]

A museum or art gallery shall comply with the provisions of § **220-6J(11)**; except that off-street parking shall be provided in accordance with § **220-12**, except that the off-street parking requirement shall be 10 spaces plus one additional space per 350 square feet of floor area above 2,000 square feet. This provision shall supersede § **220-6J(11)(b)**.

(i)

Light manufacturing uses.

[1]

Light manufacturing uses, which may include fabrication, processing, converting, altering, assembling or handling of products, shall document to the satisfaction of the Village Board that the operation will not result in:

[a]

The dissemination of dust, smoke, observable gas or fumes, odor, noise, vibration or excessive light beyond the immediate vicinity of the building in which such use is conducted.

[b]

Menace by reason of fire, explosion or other physical hazard, including radiation or electrical disturbance.

[c]

A harmful discharge of waste materials.

[d]

Unusual traffic hazards or congestions due to the type of vehicles utilized.

[2]

Office use is permitted as accessory component to the light manufacturing use and shall not occupy more than 25% of the gross floor area.

[3]

The following uses are specifically prohibited:

[a]

Retail sales to the general public, except as an incidental use as approved by the Planning Board.

[b]

The slaughtering or processing of animals, fowl or fish or component thereof or manufacture of any commodity, a major part of which is animal or fish matter.

[c]

The manufacture of heavy chemicals such as, but not necessarily limited to, acids or other corrosives, ammonia and caustic soda; the manufacture of basic or semi-finished chemicals such as, but not necessarily limited to, cellulose products, resins, dyestuffs, glues, vegetable, animal or mineral fats or oils, explosives, soaps and detergents, fertilizers, combustible gases and asphalt and tar products; the manufacture or production of primary metals or alloys in ingot or stock form; the manufacture or production of cement, plaster and their constituents, matches, paints, linoleum and oilcloth, rubber and rubber products.

[4]

Off-street parking shall be provided in accordance with § **220-12**, except that the parking requirement for a light manufacturing use shall be one space per 1,000 square feet of gross floor area, or one space per employee, whichever is greater.

[5]

Ventilators, skylights, water tanks, bulkheads, chimneys, necessary mechanical appurtenances and similar features not used for human occupancy and usually carried above the roof level may extend an additional 15 feet above the roof level of a building, but the total area of all such features shall not exceed 25% of the roof area. The height of chimneys for heating and power houses and the height of individual water towers may be increased above the limitations of this section, provided that these structures are set back an additional 100 feet from all property lines for each additional 20 feet of height or part thereof. The height limitations of this section shall not apply to radio antennas when accessory to the principal use, except that no more than one such antenna shall be erected on any site, and the height of such an antenna shall not exceed 100 feet above the ground.

[6]

When multiple light industrial buildings are proposed, the distance between any two buildings shall be at least equal twice the height of the taller of said buildings.

[7]

The building shall be designed to have an architectural character that is harmonious with the surrounding neighborhood and minimizes the historically negative appearance of such facilities. Exterior walls visible from a public street shall not include metal as the primary material.

[8]

A light manufacturing use shall not exceed 75,000 square feet in gross floor area. The Board of Trustees may allow for an increase in the minimum allowable square footage for light manufacturing uses that are determined to be compatible with the surrounding neighborhood and provide no adverse impacts.

(i)

Retail (including experiential retail), shopping center.

[1]

Permitted uses within a retail shopping center include retail, experiential retail, retail service, restaurant, carry-out food establishment, theater, health club, nursery school, tutoring, general practice walk-in medical clinic.

[2]

The off-street parking requirement for a retail shopping center shall be composed of combination of the requirements for each individual use.

[3]

Off-street parking shall be provided in accordance with § **220-12**, except that:

[a]

The parking requirement for a general practice walk-in medical clinic shall be one space per 200 square feet of gross floor area or four space per patient room, whichever is greater.

[b]

The parking requirement for a health club shall be five spaces for each 1,000 square feet of gross floor area.

[c]

The parking requirement for a tutoring use shall be two spaces for each tutor.

[4]

Retail shopping centers must have frontage on, and shall have its primary site entrance on, a state or county roadway. No more than one primary site entrance shall be permitted. This entrance shall be sited in consultation with the NYSDOT, and a traffic light warrant analysis shall be provided to determine if a traffic signal is required.

(k)

For-profit clubs, lodges and recreational facilities.

[1]

Clubs, lodges and recreational facilities shall comply with the provisions of § **220-6J(6)**, except that the Board of Appeals referenced in § **220-6J(6)(a)** is hereby replaced with the Village Board.

[2]

The entrance to all off-street parking lots shall be from an internal driveway and not from a public street.

[3]

Areas for outdoor events or activities shall be specifically defined by landscaping, fencing or other measures, and shall not be located closer than 100 feet from any property line.

[4]

Noise generated by outdoor events, shall fully comply with Chapter **146**, Noise.

(l)

Hotels.

[1]

(Reserved)

[2]

A hotel shall be limited to usual hotel activities as defined herein and accessory uses incidental to the operation of the hotel, and of the same general character, including but not limited to the following, provided that all accessory uses are planned as an integral part of the hotel and located on the same site:

[a]

One dwelling unit with or without kitchen facilities for the use of the hotel manager and/or caretaker and family.

[b]

Restaurants, lounges and banquet rooms serving either hotel guests exclusively or the general public, provided that no music or other sound is audible beyond the lot on which the use is located.

[c]

Fitness and recreational facilities including pools, courts, play areas, game and recreation rooms.

[d]

Automobile parking garages.

[e]

Office space.

[f]

Business center.

[3]

Hotel sleeping rooms shall not be interconnected by interior doors in groups of more than two.

[4]

Each sleeping room shall have an area, exclusive of bathroom and closet space, of a minimum of 225 square feet.

[5]

Off-street parking shall be provided in accordance with § **220-12**, except that:

[a]

One off-street parking space shall be provided for each guest room.

[b]

If a restaurant, lounge or banquet room is provided, additional off-street parking shall be provided in accordance with § **220-12**.

(m)

For-profit private institutions of higher learning.

[1]

An institution of higher education shall be operated in accordance with the Education Law of the State of New York.

[2]

The institution must be a privately owned and operated facility, not a member of the SUNY system nor a religious institution.

[3]

Athletic fields, grandstands and bleachers shall be set back from all property lines by at least 300 feet and shall be screened and buffered by robust landscaping.

[4]

Noise generated by outdoor events, concerts and athletic activities shall fully comply with Chapter **146**, Noise, and extensive outdoor public address systems are prohibited.

[5]

The minimum distance between buildings shall be twice the height of the taller building.

[6]

Dormitories or dwellings shall be limited exclusively to students, teachers or other members of the staff of the institution of higher learning. A dormitory or dwelling shall not subsequently be sold or rented as private residence or for any other legal use unless the building and any required lot surrounding it shall meet all regulations of the R60A District.

[7]

Off-street parking shall be provided in accordance with § **220-12**, except that:

[a]

One off-street parking space shall be provided for each teacher and other staff member of the institution of higher learning and one additional space for each five students.

[b]

For auditoriums, gymnasiums, grandstands and other gathering places, one off-street parking space shall be provided for each five seats.

[c]

The Village Board may approve the design of a parking area to serve more than one use, provided that such uses will require parking facilities at different times. Parking areas shall be located at least 75 feet from all property lines.

[8]

Access and interior drives on the school site shall be located so as to prevent unnecessary traffic on local residential streets and to avoid unsafe conditions and traffic congestion.

[9]

Suitable fencing, landscaping and screening shall be provided to prevent any nuisance to surrounding properties and to protect the students attending the school.

[10]

The requirement to provide a market study pursuant to § **220-6M(1)(f)** shall apply to for-profit institutions of higher learning, unless otherwise required as part of the SEQRA review process.

[11]

A fiscal impact analysis shall be provided documenting that the real estate taxes generated by the use will adequately offset the municipal service costs.

(n)

Nursery school.

[1]

A nursery school shall comply with the provisions of § **220-6J(10)(a)**, except that:

[a]

The minimum lot area shall be set forth in Table 4 of this chapter.¹⁶¹

[6]

*Editor's Note: Table 4 is **included as an attachment to this chapter**.*

[b]

The enclosed outdoor play space shall be located not less than 100 feet from any side or rear lot line.

(o)

Specialty warehouse.

[Added 9-28-2021 by L.L. No. 16-2021]

[1]

Warehouse space shall be used by a single entity to store antiques, artwork, fine wine, or other collectibles.

[2]

Access to the facility shall be limited to employees, owners of the collectibles stored therein, and their agents and representatives.

[3]

No manufacturing, fabrication, processing, vehicle or equipment repair, or similar commercial activities shall be permitted on-site.

[4]

The principal purpose of the facility shall be long-term storage and retrieval of collectibles, not temporary holding for local resale or redistribution to the general public.

[5]

No outside storage shall be permitted.

[6]

A landscaped buffer including evergreen screening shall be provided of such type, size and arrangement as approved by the Planning Board for the purpose of providing adequate screening from adjacent properties. The Planning Board may permit the use of fencing in lieu of, or in addition to, natural plantings for such screening where, in the Planning Board's sole discretion, natural plantings would not be a viable long-term solution for such screening.

[7]

Off-street parking shall be provided in accordance with § **220-12**, except that the required number of off-street parking spaces shall be one space per employee.

[8]

Any extraordinary utility demands shall be identified, and an assessment regarding the adequacy of existing services, or required upgrades, shall be provided.

[9]

Any noise generated from heavy demand of HVAC equipment or generators for emergency or backup electrical service shall comply with Chapter **146**, Noise.

[10]

The building shall be designed to have an architectural character that is harmonious with the surrounding neighborhood and minimizes the historically negative appearance of such facilities. Building colors shall be neutral or earth tone and shall not call attention to the use. Exterior walls visible from a public street shall not include metal as the primary material.

[11]

All warehouse facilities shall include continuous video surveillance of all indoor and outdoor common areas.

[12]

The hours of access to a warehouse facility shall be restricted to the hours between 6:00 a.m. and 10:00 p.m., or as further limited by the Planning Board or Board of Trustees.

[13]

All garage or roll-up doors shall be adequately screened, preferably by natural plantings, or located to minimize visual impacts from surrounding properties and, where possible, from public roadways.

[14]

No less than 20% of the front facade shall consist of a nonreflecting glazing material.

[15]

Fencing shall be masonry, wrought iron, steel, wood or aluminum and shall be painted or vinyl coated with colors that complement the building.

[16]

High-security fencing, razor ribbon or similar materials are prohibited.

[17]

All multistory self-storage facilities shall have elevators.

[18]

The warehouse facility shall contain sprinklers, if required by NYS Code.

[19]

No vehicle regularly providing delivery to and from the facility shall include detachable trailers or be longer than 28 feet. The Planning Board may impose additional restrictions and limitations on any delivery vehicles servicing a particular location.

[20]

Properties shall include sound barriers or design features to minimize all vehicle noise, including any backup alarms or any audible warning signal, from neighboring properties.

(p)

For-profit hospital.

[1]

A hospital shall comply with the provisions of § 220-6J(8).

[2]

Permitted hospitals shall be limited to:

[a]

Hospitals treating physical ailments, excluding any facilities primarily focused on psychiatric care, addiction, alcoholism, or mental disorders.

[b]

Acute rehabilitation hospitals, providing short-term medical, health-related, social, and/or vocational services to disabled individuals to help them attain their maximum functional capacity.

[c]

Other specialty hospitals providing a limited range of services (e.g., orthopedic surgery, ophthalmology, cardiovascular treatment, or obstetrics) and, notably, not providing full-service general hospital care, such as general acute care, emergency or trauma services.

(q)

Short-term executive housing.

[1]

Short-term executive housing shall only be permitted as an accessory use located on the same site as the principal use.

[2]

Short-term executive housing shall be designed to accommodate business travelers on extended assignments and relocated employees who are in the process of securing long-term housing.

[3]

Occupancy shall be limited to six consecutive months and not exceed six total months in any one calendar year.

[4]

Extensions of stay beyond the six-month limit may be approved by the Building Inspector, subject to a written request, for an additional period not to exceed six months.

[5]

A short-term executive housing facility may consist of a single building or multiple buildings.

[6]

In no instance may a short-term executive housing facility contain more than 25 units.

[7]

No more than two bedrooms per unit shall be permitted.

[8]

The owner/operator of a short-term executive housing facility shall annually submit to the Building Department an occupancy/guest register, which shall identify each guest and the length of their occupancy. Should the Building Inspector find that violations of the occupancy limit are occurring, the certificate of occupancy may be revoked.

[9]

Cooking facilities shall be provided within each residence unit, or in the case of a facility that provides suites of residence units, for no fewer than every three residence units.

[10]

Amenities may include recreational facilities such as a gym, swimming pool, tennis courts, outdoor trails, etc. No fee for public use of these amenities shall be permitted.

[11]

Business service amenities shall be permitted including shared working spaces, computer and internet ports and docks, Wi-Fi hubs, copy and printing services and small conference rooms accommodating no more than six people.

[12]

Meeting rooms, function halls, restaurants and similar facilities that are accessible to the general public, other than governmental functions of the Village, are prohibited.

[13]

One off-street parking space shall be provided for each guest unit.

(r)

Large-scale solar collection system (or "solar farm").

[Added 9-28-2021 by L.L. No. 16-2021]

[1]

A large-scale solar collection system may be permitted as an accessory use and shall comply with the provisions of § **220-6J(15)** of this Code.

(s)

Tier 2 battery energy storage systems, compliant with Chapter **178** of this Code.

[Added 9-28-2021 by L.L. No. 16-2021]

N.

Revocation and modification.

(1)

All such permits issued by the Village Board may be subject to revocation or modification by the Village Board upon a material breach or violation of any condition, term or safeguard imposed by the special permit or any other requirements imposed by the Village Zoning Chapter on the property which is the subject of the special permit and which is committed during the existence of the special permit.

(2)

Prior to the revocation or modification of any special permit, the Village Board shall, upon at least 10 days' notice to the property owner and/or person to whom the special permit was issued, cause to be mailed to the property owner and/or person to whom the special permit was issued, a notice stating the alleged breaches or violations warranting such action, and the time and place of the hearing to be held concerning the revocation or modification of the special

permit. The property owner and/or the person to whom the special permit was issued shall be given an opportunity to be heard and to introduce the testimony of witnesses and documentary evidence, and shall be given an opportunity to prove by competent evidence that the premises are in full compliance with the terms, conditions and safeguards imposed by the special permit and all other requirements imposed by the Village Zoning Chapter, and any mitigating circumstances surrounding the alleged breach or violation.

(3)

The action of the Village Board relative to such revocation or modification shall be final. Upon revocation, it shall be unlawful to use or occupy any portion of the property for the use specified in the special permit.

Section 2. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 3. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York in accordance with the provisions of the Municipal Home Rule Law.

ZONING

220 Attachment 3

Village of Briarcliff Manor

Table 3

Permitted Principal and Accessory Uses (Commercial)

[Amended 3-21-1996 by L.L. No. 4-1996; 5-15-1997 by L.L. No. 2-1997; 3-3-2005 by L.L. No. 1-2005; 1-19-2006 by L.L. No. 3-2006; 2-19-2009 by L.L. No. 3-2009; 10-20-2010 by L.L. No. 4-2010; 1-20-2011 by L.L. No. 1-2011; 3-16-2011 by L.L. No. 2-2011; 3-30-2015 by L.L. No. 1-2018; 5-17-2017 by L.L. No. 1-2017; 12-15-2020 by L.L. No. 1-2021; 9-28-2021 by L.L. No. 16-2021]

1	2	3
Class of District and Symbol	Permitted Principal Uses	Permitted Accessory Uses
CT1 and CT3	<p>The following are the only principal uses permitted with a special permit in respective districts designated to the left hereof:</p> <ol style="list-style-type: none"> 1. Clubs, lodges, recreation facilities 2. Conference center/event space 3. Data storage 4. Fitness clubs, training facilities 5. Hotels 6. Light manufacturing (experiential retail as accessory use) 7. Medical office, outpatient and ambulatory care facilities 8. Museum or art gallery 9. Office 10. Private institutions of higher learning 11. Research laboratory, biomedical and biotech facilities 12. Solar farms 	<p>The following are the only accessory uses permitted in the respective districts designated to the left hereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts:</p> <ol style="list-style-type: none"> 1. Private garage or private parking area, and off-street loading units, pursuant to the applicable provisions of § 220-12. 2. Signs. Maximum area of 12 square feet at each entrance to the premises and not closer than 20 feet to the street line. Provisions for lighting shall be the same as in General Business B2 Districts. 3. Dwelling spaces for caretakers or other resident employees, watchmen and their families, and only as incidental accessory housing associated with the principal use thereof. 4. Residential guest facilities, commensurate with the reasonable requirements for temporary transient visitors to principal use facility, where any individual's length of stay shall not exceed any portion of six months in any one calendar year. 5. Maintenance shops, gate houses, enclosed storage facilities, transformer stations, and buildings housing mechanical equipment. 6. Solid fences or walls, not more than four feet in height in the front yard, and/or not more than six feet in height in the rear and/or side yards, provided such fences or walls do not adversely affect the clear vision along any street. Wire or open fences up to six feet in height, which do not obstruct light or the circulation of air, in any yard. If a side yard abuts a road, such as on a corner lot, the height of a solid fence or wall along such road shall not be greater than four feet in height. All fences or walls must be inside all lot lines. The finished or more attractive side of any fence or wall must face abutting properties. The Building Inspector shall determine which side of the fence or wall meets these criteria in the case of a dispute. 7. Solar farms subject to 220-6 M and sSolar energy collectors, each as regulated by § 220-9.4Chapter 178, and incident to commercial use, not operated for gain, and located in the rear or side yard, conforming to setbacks of the principal building, or roof mounted. 8. Wireless telecommunications service facilities as regulated by § 220-9.4. 9. Short-term executive housing, consistent with § 220-6M(2)(q).
CT2, CT4, and CT5	<p>The following are the only principal uses permitted with a special permit in respective districts designated to the left hereof:</p> <ol style="list-style-type: none"> 1. Clubs, lodges, recreation facilities 2. Conference center/event space 3. Data storage 4. Fitness clubs, training facilities 5. Hospital 6. Hotels 7. Light manufacturing (experiential retail as accessory use) 8. Medical office, outpatient and ambulatory care facilities 9. Museum or art gallery 10. Nursery school 11. Office 12. Private institutions of higher learning 13. Research laboratory, biomedical and biotech facilities 14. Retail (including experiential retail), shopping center 15. Self-storage facilities 16. Solar farms 17.16. Specialty warehouses 	

BRIARCLIFF MANOR CODE

1	2	3
Class of District and Symbol	Permitted Principal Uses	Permitted Accessory Uses
Retail Business B1	<p>The following are the only principal uses permitted in respective districts designated to the left hereof:</p> <ol style="list-style-type: none"> 1. A fully enclosed structure containing retail, personal service, restaurant, or carry-out food establishment, performance of customary personal service or services clearly incident to retail sales, primarily for the convenience of the inhabitants of the Village and the immediate locality; provided, however, that no fabricating or assembling shall be permitted which would be offensive, obnoxious, or detrimental by reason of vibration, dust, fumes, odor, noise, lights or traffic generation and resultant congestion, and provided further, however, that no such retail establishment, or a designed group of establishments, shall be permitted to have a floor area used for merchandising or personal service in excess of that which, under this chapter, requires 100 off-street parking spaces, unless a special use permit therefor is approved by the Board of Trustees, pursuant to § 220-6K(4), allowing any such floor area in excess of such 100 off-street parking space requirement. 2. Business, banking or professional office or studio, telephone exchange or school conducted for gain. 3. Restaurant, club, cafe, lodging house or other place for the sale of food or beverages to be consumed on the premises or a carry-out food establishment, but in either case not including a lunch wagon, refreshment place or stand with open-air or outside counter or curb service, but this exclusion of lunch wagons and refreshment places and stands shall not prevent an establishment otherwise complying with this section from serving meals at tables on a porch or terrace attached to and constituting a part of the principal building 4. Theater, motion picture theater, assembly hall, mortuary or funeral home. 5. Self-service or hand laundries. 6. Outdoor display and sale of merchandise by religious, charitable or service organizations not operated for gain upon application to the Board of Trustees which may grant a special permit for a period not exceeding 30 days subject to such reasonable conditions as the Board of Trustees may see fit to impose. 7. Wireless telecommunication services facility, subject to special permit approval by the Planning Board pursuant to the special requirements of § 220-7J(13). 	<ol style="list-style-type: none"> 1. A The following are the only accessory uses permitted in the respective districts designated to the left hereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts: <ol style="list-style-type: none"> (a) One or more signs for each building establishment, relating solely to the business or profession conducted on the premises and not exceeding in aggregate area 1 1/2 square feet per foot of lineal frontage of the facade of the particular business establishment in or on which it is located; the preceding limitation shall include all signs located inside of a building or structure within six feet of a show window or entrance, that are arranged and intended to be visible from the exterior of the building or structure, but shall not apply to temporary paper signs attached to store windows for a period of not more than seven days as commonly used in the conduct of a retail business; provided, however, that such temporary paper signs shall not be illuminated by lighting devices. (b) Exterior signs shall not project above the highest level of the vertical wall of the building facade on which they are located and shall not project more than 12 inches from the front, rear, or side wall of any building. If illuminated, such sign shall emit only steady white light of constant intensity or shall be illuminated by a steady white light from front or back. Such illuminated signs shall not be operated between the hours of 9:00 p.m. and 8:00 a.m., except that when the establishment is open to the public after 9:00 p.m., such business shall be permitted to operate such signs until the hour of closing. 2. All uses, including storage of materials, equipment and products for sale or otherwise shall be within enclosed buildings, except sidewalk cafes and sidewalk vending shall be permitted as provided for in Chapter 186, Article IV. 3. Dish antennas, two feet or less in diameter, as permitted in Residence Districts.

ZONING

1	2	3
Class of District and Symbol	Permitted Principal Uses	Permitted Accessory Uses
Retail Business and Residential B1A	<p>The following are the only principal uses permitted in respective districts designated to the left hereof:</p> <ol style="list-style-type: none"> 1. Any principal use permitted in a retail business district and subject to the same requirements. 2. Multifamily dwellings: (i) provided that the overall residential portion of the building does not exceed: [a] 80% of the gross floor area of the building or group of buildings; or [b] if all of the dwelling units in the multifamily dwellings are affordable AFFH units, 85% of the gross floor area of the building or group of buildings; and (ii) provided that no ground floor dwelling units shall front on any public right-of-way. 	<p>The following are the only accessory uses permitted in the respective districts designated to the left hereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts:</p> <ol style="list-style-type: none"> 1. Any accessory use permitted in a retail business district and subject to the same conditions.
General Business B2	<p>The following are the only principal uses permitted in respective districts designated to the left hereof:</p> <ol style="list-style-type: none"> 1. Any principal use permitted in a retail business district and subject to the same requirements. 2. Any use for which a special permit is required in any other district. 3. Motor vehicle sales room, repair shop, gasoline filling station or public garage, but no display of vehicles for sale or for hire shall be permitted outdoors. 4. Experimental laboratory, printing plant, shop for making or assembling articles, provided no machinery or process is used which emits dust, smoke, odor, fumes, noise, or vibration or nuisance. 5. Wholesale business, including indoor storage of building materials, cold storage plant, ice plant, ice cream plant or bakery. 6. Greenhouses and the raising or selling of nursery products on four acres or more of land, provided such nursery products are grown on the premises. 7. The preceding not withstanding causes other, the following uses or activities are specifically prohibited: <ol style="list-style-type: none"> (a) The slaughtering or processing of animals or fish, including the component parts thereof, or the manufacture of any commodity the principal ingredient of which is animal or fish matter, provided that nothing herein contained shall be construed to prevent the sale of animals or fish as food stuff or the preparation therefrom of food products for sale at retail on the premises. 	<p>The following are the only accessory uses permitted in the respective districts designated to the left hereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts:</p> <ol style="list-style-type: none"> 1. Any accessory use permitted in a retail business district and subject to the same conditions, except sidewalk cafes and sidewalk vending as provided for in Chapter 186, Article IV, shall not be permitted. 2. Outdoor storage of lumber, building materials and coal. 3. Underground storage of motor vehicle fuels. Storage of other combustibles for sale, not exceeding 500 gallons in all for liquid combustibles or liquid fuels, subject to the approval of the Fire Chief with respect to amount, placement, precautions taken against fire and explosion, methods of handling and any other matters having to do with the extent of the hazard connected therewith. 4. Storage of liquefied petroleum gases is permitted but only in charged containers, not filled on the premises but stored, warehoused or handled for resale in container capacities suitable for delivery to consumers or in delivery tank trucks of not more than 1,300 gallons capacity. Storage of such gases in charged containers shall not total more than 15,000 gallons (65,000 pounds) kept on the premises of any establishment at any one time. All such containers and installations shall conform to the applicable standards and specifications of the National Board of Fire Underwriters. 5. Dwelling unit and/or multifamily dwelling are prohibited. 6. No outdoor storage shall exceed 25% of the lot area devoted to the permitted principal use. Such outside storage shall be screened from general off-site view with evergreen landscaping, fencing and/or structures in accordance with and subject to additional requirements which may be established by the Planning Board in site plan review and approval. Said storage area shall not be closer to any lot line than the front yard setback requirement of a principal use in the B-2 District. Maximum fence height shall be limited to 12 feet and storage at any point within the storage area shall not be greater than one foot less than the height of the fence. In an effort to minimize any adverse impact of said storage area upon adjacent land and development, the Planning Board may increase, but not decrease the restrictiveness of these requirements and may designate the specific location of the storage area on the lot.

BRIARCLIFF MANOR CODE

1	2	3
Class of District and Symbol	Permitted Principal Uses	Permitted Accessory Uses
General Business B2 (continued)	<p>(b) The manufacture of heavy chemicals (such as, but not limited to, acids or other corrosives, ammonia and caustic soda); the manufacture of basic or semifinished chemicals (such as, but not limited to, cellulose products, resins, dyestuffs, glues, vegetable, animal or mineral fats or oils, explosives, soaps and detergents, fertilizers, combustible gases and asphalt and tar products); the manufacture or production of cement or plaster and their constituents, matches, paints, linoleum, oil-cloth, rubber and rubber products.</p> <p>(c) Any other similar use or purpose which will create waste gases or liquids or conditions of hazard, smoke, fumes, noise, vibration, odor or dust and thus tend to be detrimental to the quiet, peace, comfort, convenience, safety or general welfare of the community.</p> <p>(d) Junkyards, storage or baling of scrap paper, rags or metal, auto wrecking and house trailers.</p> <p>(e) The maintenance, storage, or repair of garbage or refuse collection vehicles of any type or weight used in the operation of a refuse or garbage collection and carting business or any other similar use or purpose.</p> <p>8. Single-family residence and/or multifamily dwelling are prohibited.</p>	<p>7. All uses, including storage of materials, equipment and products for sale or otherwise, except as otherwise set forth in this Schedule of Permitted Accessory Uses for the B2 District, shall be within enclosed buildings, except that the temporary outdoor display of merchandise for sale may receive site plan approval by the Planning Board, provided that such merchandise is kept within a fully enclosed building overnight and that the outdoor display area does not exceed 10% of the gross interior floor space of such establishment.</p>
Central Business 1 CB1	<p>The following are the only principal uses permitted in respective districts designated to the left thereof:</p> <ol style="list-style-type: none"> 1. Any principal use permitted in a Retail Business District, subject to the same requirements; except that office and other professional uses shall be permitted both on the ground and upper floors of buildings in conjunction with residential uses, which shall be permitted only as designated below. 2. Multifamily dwellings; provided that any residential use is limited to the upper floor(s) of the building and no multifamily dwelling contain more than two bedrooms per unit. 3. Any special use permitted in a Retail Business District and subject to the same requirements. 4. For site plan and/or subdivision approval, all development plans shall comply, as interpreted by the Planning Board, with the design recommendations of the Village of Briarcliff Manor Comprehensive Plan for the "West Downtown: Pleasantville Road" (pages 101 through 111) dated November 2007 and as updated by the Village. Any deviation from the design guidelines deemed necessary will require review and approval by the Board of Trustees and shall be based upon a written justification to be included in any approval. 	<p>The following are the only accessory uses permitted in the respective districts designated to the left thereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts:</p> <ol style="list-style-type: none"> 1. Any accessory use permitted in a Retail Business District and subject to the same requirements.
1	2	3
Class of District and Symbol	Permitted Principal Uses	Permitted Accessory Uses

ZONING

<p>Central Business 2 CB2</p>	<p>The following are the only principal uses permitted in respective districts designated to the left thereof:</p> <ol style="list-style-type: none"> 1. Any principal use permitted in a General Business District and subject to the same requirements; except that office and other professional uses shall be permitted both on the ground and upper floors of buildings in conjunction with residential uses, which shall only be permitted as designated below. 2. Multifamily dwellings, provided that: <ol style="list-style-type: none"> (a) The overall residential portion of the building does not exceed 80% of the gross floor area of the building or buildings (b) No ground floor dwelling units shall front any public right-of-way; (c) No multifamily dwelling shall contain more than two bedrooms per unit. (d) The use of buildings and land and the location, arrangement and size of buildings is in conformance with Attachment 3 and Attachment 4 of the Zoning Law; and (e) The amount of off-street parking and loading and unloading space is provided as specified in § 220-12 of the Zoning Law. 3. Any special use permitted in any other district and subject to the same requirements. 4. The preceding notwithstanding, any use or activity that is prohibited in a General Business District is specifically prohibited in respective districts designated to the left thereof. 	<p>The following are the only accessory uses permitted in the respective districts designated to the left thereof, and normally incident to the permitted uses set forth in Column 2 for such respective districts:</p> <ol style="list-style-type: none"> 1. Any accessory use permitted in a General Business District and subject to the same requirements.
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NOTE:

Principal or accessory uses for any CT district in any table should not be considered hierarchical, and their placement within the table does not imply any CT zone is more or less restrictive than other zones in the same table.

ZONING

220 Attachment 4

Village of Briarcliff Manor

Table 4
Permitted Lot Sizes, Setbacks, Height Requirements
(Commercial)

[Amended 1-20-2011 by L.L. No. 1-2011; 3-16-2011 by L.L. No. 2-2011; 3-30-2015 by L.L. No. 1-2018; 12-15-2020 by L.L. No. 1-2021; 5-4-2021 by L.L. No. 6-2021; 9-28-2021 by L.L. No. 16-2021]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Lot Limitations															Buildings Limitations								
Key	Use	Minimum Size of Lot		Maximum Percent of Lot to be Occupied		Minimum Yard Dimensions in Feet From Lot Lines to Principal Building				Minimum Distance in Feet From Accessory Building Structure To				Maximum Height				Minimum Gross Area of Ground Floor in Square Feet			Minimum Usable Open Space	Minimum Average Livable Floor Area per Dwelling Units	
		Area in Square Feet	Lot Width in Feet at Minimum Front Yard Setback	Principal Building	Accessory Building Structures	Front Yard	One Side Yard	Two Side Yards Combined	Rear Yard	Principal Building if Not Connected With it	Street Line	Side Lot Line	Rear Lot Line	In Stories	In Feet	For Sloping Roof	For Flat Roof	For 1 Story Building	For 1 1/2 Story Building	For 2 or 2 1/2 Story Building			
CT1	Clubs, lodges, recreation facilities	400,000	100	5%	1%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	30%	750 ₍₁₎	
	Conference center/event space	60 acres	100	20%	5%	150	150	300	150	—	150	150	150	2	30	1 story/18'	1 story/15'	—	—	—	25%	—	
	Data storage	60 acres	100	30%	5%	100	100	200	100	—	150	150	150	3	40	1 story/18'	1 story/15'	—	—	—	15%	—	
	Fitness clubs, training facilities	400,000	100	20%	1%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	15%	—	
	Hotels	400,000	100	20%	2%	100	100	200	100	—	100	100	100	4	40	1 story/18'	1 story/15'	—	—	—	20%	—	
	Light manufacturing (experiential retail as accessory use)	75,000	100	10%	5%	100	100	100	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	15%	—	
	Medical office, outpatient and ambulatory care facilities	400,000	100	12%	2%	100	100	200	100	—	100	100	100	3	40	1 story/18'	1 story/15'	—	—	—	15%	—	
	Museum or art gallery	10,000	100	10%	2%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	25%	—	
	Office	200,000	100	10%	1%	100	100	100	100	—	100	100	100	3	40	1 story/18'	1 story/15'	—	—	—	15%	—	
	Private institutions of higher learning	50 acres	100	20%	5%	200	200	400	200	—	100	100	100	4	40	1 story/18'	1 story/15'	—	—	—	40%	—	
	Research laboratory, biomedical and biotech facilities	25 acres	100	20%	5%	150	150	300	150	—	150	150	150	4	40	1 story/18'	1 story/15'	—	—	—	15%	—	
	Short-term executive housing	400,000	100	10%	1%	150	100	200	150	—	150	100	150	2	30	1 story/18'	1 story/15'	—	—	—	30%	—	
	Solar farm	400,000	100	n/a	n/a	150	150	300	150	—	150	150	150	n/a	n/a	n/a	n/a	—	—	—	25%	—	
	CT2	Clubs, lodges, recreation facilities	200,000	100	5%	1%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	30%	750 ₍₁₎
Conference center/event space		400,000	100	10%	2%	75	100	200	100	—	75	100	100	2	30	1 story/18'	1 story/15'	—	—	—	25%	—	
Data storage		200,000	100	30%	5%	100	100	200	100	—	75	100	100	3	35	1 story/18'	1 story/15'	—	—	—	15%	—	
Fitness clubs, training facilities		200,000	100	10%	1%	50	100	150	100	—	50	100	100	2	30	1 story/18'	1 story/15'	—	—	—	15%	—	
Hospital		400,000	100	15%	1%	100	100	200	100	—	100	100	100	3	35	1 story/18'	1 story/15'	—	—	—	15%	—	
Hotels		400,000	100	20%	2%	100	100	200	100	—	100	100	100	3	35	1 story/18'	1 story/15'	—	—	—	20%	—	
Light manufacturing (experiential retail as accessory use)		75,000	100	10%	5%	50	100	200	100	—	50	100	100	2	30	1 story/18'	1 story/15'	—	—	—	15%	—	
Medical office, outpatient and ambulatory care facilities		200,000	100	10%	2%	75	100	200	100	—	75	100	100	3	35	1 story/18'	1 story/15'	—	—	—	15%	—	
Museum or art gallery	10,000	100	10%	2%	75	100	200	100	—	75	100	100	2	30	1 story/18'	1 story/15'	—	—	—	25%	—		

	Nursery school	5 acres	100	10%	1%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	30%		
	Office	200,000	100	10%	1%	50	100	150	100	—	50	100	100	3	35	1 story/18'	1 story/15'	—	—	—	15%		
	Private institutions of higher learning	5 acres	100	15%	2%	75	100	100	100	—	75	100	100	3	35	1 story/18'	1 story/15'	—	—	—	40%		
	Research laboratory, biomedical and biotech facilities	200,000	100	15%	2%	100	100	200	100	—	100	100	100	3	35	1 story/18'	1 story/15'	—	—	—	15%		
	Retail (including experiential retail), shopping center	200,000	100	10%	1%	50	100	150	100	—	50	100	100	2	30	1 story/18'	1 story/15'	—	—	—	15%		
	Self-storage facilities	400,000	100	12%	2%	75	100	200	100	—	75	100	100	3	35	1 story/18'	1 story/15'	—	—	—	20%		
	Short-term executive housing	400,000	100	10%	1%	150	100	200	150	—	150	100	150	2	30	1 story/18'	1 story/15'				30%		
	Solar farm	400,000	100	n/a	n/a	150	150	300	150	—	150	150	150	n/a	n/a	n/a	n/a		—	—		25%	
	Specialty warehouse	200,000	100	30%	30%	100	100	200	100	—	75	100	100	3	35	35	1 story/15'		—	—		15%	
CT3	Clubs, lodges, recreation facilities	200,000	100	5%	1%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	30%		
	Conference center/event space	400,000	100	10%	2%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	25%		
	Data storage	350,000	100	30%	5%	100	100	200	100	—	100	100	100	3	40	1 story/18'	1 story/15'	—	—	—	15%	750 ₍₁₎	
	Fitness clubs, training facilities	200,000	100	10%	1%	100	100	150	100	—	100	100	100	2	30	1 story/18'	1 story/15'			—	15%		
	Hotels	400,000	100	20%	2%	100	100	200	100	—	100	100	100	4	40	1 story/18'	1 story/15'	—			20%		
	Private institutions of higher learning	5 acres	100	20%	2%	100	100	200	100	—	100	100	100	4	40	1 story/18'	1 story/15'	—	—	—	40%		
	Light manufacturing (experiential retail as accessory use)	75,000	100	10%	5%	100	100	100	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	15%		
	Medical office, outpatient and ambulatory care facilities	400,000	100	12%	2%	100	100	200	100	—	100	100	100	3	40	1 story/18'	1 story/15'	—	—	—	15%		

BRIARCLIFF MANOR CODE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Lot Limitations															Buildings Limitations								Minimum Average Livable Floor Area per Dwelling Units
Key	Use	Minimum Size of Lot		Maximum Percent of Lot to be Occupied		Minimum Yard Dimensions in Feet From Lot Lines to Principal Building				Minimum Distance in Feet From Accessory Building Structure To				Maximum Height				Minimum Gross Area of Ground Floor in Square Feet			Minimum Usable Open Space		
		Area in Square Feet	Lot Width in Feet at Minimum Front Yard Setback	Principal Building	Accessory Building Structure	Front Yard	One Side Yard	Two Side Yards Combined	Rear Yard	Principal Building if Not Connected With it	Street Line	Side Lot Line	Rear Lot Line	In Stories	In Feet	For Sloping Roof	For Flat Roof	For 1 Story Building	For 1 1/2 Story Building	For 2 or 2 1/2 Story Building			
	Museum or art gallery	10,000	100	10%	2%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	25%		
	Office	350,000	100	15%	1%	100	100	200	100	—	100	100	100	3	40	1 story/18'	1 story/15'	—	—	—	15%		
	Research laboratory, biomedical and biotech facilities	350,000	100	20%	2%	100	100	200	100	—	100	100	100	4	40	1 story/18'	1 story/15'	—	—	—	15%		
	Short-term executive housing	400,000	100	10%	1%	150	100	200	150	—	150	100	150	2	30	1 story/18'	1 story/15'				30%		
	Solar farm	400,000	100	n/a	n/a	150	150	300	150	—	150	150	150	n/a	n/a	n/a	n/a	—	—	—	25%		
CT4	Clubs, lodges, recreation facilities	400,000	100	5%	1%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	30%	750 ⁽¹⁾	
	Conference center/event space	400,000	100	10%	2%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	25%		
	Data storage	5 acres	100	30%	5%	100	100	200	100	—	100	100	100	3	40	1 story/18'	1 story/15'	—	—	—	15%		
	Fitness clubs, training facilities	400,000	100	10%	1%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	15%		
	Hospital	400,000	100	15%	1%	100	100	200	100	—	100	100	100	4	40	1 story/18'	1 story/15'	—	—	—	15%	—	
	Hotels	400,000	100	20%	2%	100	100	200	100	—	100	100	100	4	40	1 story/18'	1 story/15'	—	—	—	20%	—	
	Light manufacturing (experiential retail as accessory use)	75,000	100	10%	5%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	15%	—	
	Medical office, outpatient and ambulatory care facilities	400,000	100	12%	2%	100	100	200	100	—	100	100	100	3	40	1 story/18'	1 story/15'	—	—	—	15%	—	
	Museum or art gallery	10,000	100	10%	2%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	25%	—	
	Nursery school	400,000	100	10%	1%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	30%	—	
	Office	400,000	100	12%	1%	100	100	200	100	—	100	100	100	3	40	1 story/18'	1 story/15'	—	—	—	15%	—	
	Private institutions of higher learning	5 acres	100	20%	2%	100	100	200	100	—	100	100	100	4	40	1 story/18'	1 story/15'	—	—	—	40%	—	
	Research laboratory, biomedical and biotech facilities	400,000	100	20%	2%	100	100	200	100	—	100	100	100	4	40	1 story/18'	1 story/15'	—	—	—	15%	—	
	Retail (including experiential retail), shopping center	200,000	100	10%	1%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	15%	—	
	Self-storage facilities	400,000	100	12%	2%	100	100	200	100	—	100	100	100	4	40	1 story/18'	1 story/15'	—	—	—	20%	—	
	Short-term executive housing	400,000	100	10%	1%	150	100	200	150	—	150	100	150	2	30	1 story/18'	1 story/15'				30%		
	Solar farm	400,000	100	n/a	n/a	150	150	300	150	—	150	150	150	n/a	n/a	n/a	n/a	—	—	—	25%		
	Specialty warehouse	200,000	100	30%	5%	100	100	200	100	—	75	100	100	3	35	1 story/18'	1 story/15'				15%		
CT5	Clubs, lodges, recreation facilities	400,000	100	5%	1%	100	100	200		—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	30%	750 ⁽¹⁾	
	Conference center/event space	400,000	100	10%	2%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	25%	—	
	Data storage	5 acres	100	30%	5%	100	100	200	100	—	75	100	100	3	40	1 story/18'	1 story/15'	—	—	—	15%	—	
	Fitness clubs, training facilities	400,000	100	10%	1%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	15%	—	

See 220-12, Required off-street parking and loading §

Hospital	400,000	100	15%	1%	100	100	200	100	—	100	100	100	4	40	1 story/18'	1 story/15'	—	—	—	15%	—
Hotels	400,000	100	20%	2%	100	100	200	100	—	100	100	100	4	40	1 story/18'	1 story/15'	—	—	—	20%	—
Light manufacturing (experiential retail as accessory use)	75,000	100	10%	—	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	15%	—
Medical office, outpatient and ambulatory care facilities	400,000	100	12%	2%	100	100	200	100	—	100	100	100	3	40	1 story/18'	1 story/15'	—	—	—	15%	—
Museum or art gallery	10,000	100	10%	2%	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	25%	—
Nursery school	400,000	100	10%	—	100	100	200	100	—	100	100	100	2	30	1 story/18'	1 story/15'	—	—	—	30%	—
Office	400,000	100	12%	1%	100	100	200	100	—	75	100	100	4	40	1 story/18'	1 story/15'	—	—	—	15%	—
Private institutions of higher learning	5 acres	100	20%	2%	100	100	200	100	—	100	100	100	4	40	1 story/18'	1 story/15'	—	—	—	40%	—
Research laboratory, biomedical and biotech facilities	5 acres	100	20%	2%	100	100	200	100	—	100	100	100	4	40	1 story/18'	1 story/15'	—	—	—	15%	—
Retail (including experiential retail), shopping center	200,000	100	10%	1%	50	100	100	100	—	50	100	100	2	30	1 story/18'	1 story/15'	—	—	—	15%	—
Self-storage facilities	400,000	100	12%	2%	100	100	200	100	—	100	100	100	3	40	1 story/18'	1 story/15'	—	—	—	20%	—
Short-term executive housing	400,000	100	10%	1%	150	100	200	150	—	150	100	150	2	30	1 story/18'	1 story/15'	—	—	—	30%	—
Solar farm	400,000	100	n/a	n/a	150	150	300	150	—	150	150	150	n/a	n/a	n/a	n/a	—	—	—	25%	—
Specialty warehouse	200,000	100	30%	5%	100	100	200	100	—	75	100	100	3	35	1 story/18'	1 story/15'	—	—	—	15%	—

ZONING

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
Lot Limitations															Buildings Limitations									
Key	Use	Minimum Size of Lot		Maximum Percent of Lot to be Occupied		Minimum Yard Dimensions in Feet From Lot Lines to Principal Building				Minimum Distance in Feet From Accessory Building Structure To				Maximum Height				Minimum Gross Area of Ground Floor in Square Feet			Minimum Usable Open Space	Minimum Average Livable Floor Area per Dwelling Units		
		Area in Square Feet	Lot Width in Feet at Minimum Front Yard Setback	Principal Building	Accessory Building Structure	Front Yard	One Side Yard	Two Side Yards Combined	Rear Yard	Principal Building if Not Connected With it	Street Line	Side Lot Line	Rear Lot Line	In Stories	In Feet	For Sloping Roof	For Flat Roof	For 1 Story Building	For 1 1/2 Story Building	For 2 or 2 1/2 Story Building				
B1 and B2		4,000 per building	40 per building	25%		10	—	—	—	²	²	²	²	2	30	²	²	—	—	—		—		
CB1		4,000 per building	40 per building	25%		10/12 ⁴	—	—	20	²	²	²	²	3	35	²	²	—	—	—		—		
CB2		4,000 per building	40 per building	25%		10	—	—	20	²	²	²	²	3	35	²	²	—	—	—		—		
B1A		4,000 per building	40 per building	25%		10	—	—	—	²	²	²	²	³ ₂	30	²	²	—	—	—		750		

NOTES:

¹ If dwelling spaces are provided for resident employees and their families. ² No accessory buildings permitted.

³ If the building is mixed-use and all of the dwelling units in the building are affordable AFFH units, however, then the maximum number of stories shall be three.

⁴ The front yard setback in the Central Business District shall be 10 feet for properties located on the east side of Pleasantville Road and 12 feet for properties located on the west side of Pleasantville Road. The minimum front yard setback for all such Pleasantville Road properties is also the maximum front yard setback unless, in the sole discretion of the Planning Board, a variation in the front yard setback is required to meet the building line of an adjacent building. In no case may the front yard setback be increased more than five feet.

⁵ Maximum building heights are determined in feet; maximum floor equivalents are provided for readability only.