VILLAGE OF DOBBS FERRY
112 Main Street
Dobbs Ferry, New York 10522
TEL: (914) 231-8500 • FAX: (914) 693-3470

July 24, 2024

NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, New York 12231

Re: Village of Dobbs Ferry
Local Law Filing 2-2024

Dear Sir/Madam:

Local Law 2-2024 was adopted by the Board of Trustees of the Village of Dobbs Ferry on July 23, 2024. A copy of the local law filing is attached.

Sincerely,

Elizabeth A. Dreaper, RMC
Village Clerk

Enc.

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.state.ny.us/corps

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 Dobbs Ferry, New York

Local Law No. 2 **of the year 20**24

A local law amending the text of various provisions in Chapter 300 "Zoning and Land Use" and
(Insert Title)
Chapter 262 "Stormwater Management and Erosion and Sediment Control" of the Dobbs Ferry Code to provide clarification and eliminate repetitive and vague terms.

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

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Dobbs Ferry, New York **as follows:**

LOCAL LAW 2-2024

(SEE ATTACHED)

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

LOCAL LAW – 2-2024

AMENDMENTS TO CHAPTER 300 "ZONING AND LAND USE" AND CHAPTER 262 "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL" OF THE DOBBS FERRY CODE TO PROVIDE FOR CLARIFICATION AND ELIMINATE REPETITIVE, REDUNDANT AND VAGUE TERMS IN THE TEXT

A LOCAL LAW to amend the text of various provisions in Chapter 300 "Zoning and Land Use" and Chapter 262 "Stormwater Management and Erosion and Sediment Control" of the Dobbs Ferry Code to provide for clarification and eliminate repetitive, redundant and vague terms.

BE IT ENACTED by the Board of Trustees of the Village of Dobbs Ferry, as follows:

Section 1. Legislative Intent and Purpose: To better serve the public's interest, the Village Board of Trustees proposes text amendments to the Dobbs Ferry Village Code for the purpose of providing clarifications and eliminating repetitive, redundant and vague terms in the text.

Section 2. The definitions in Section 300-14 "General terms" of the Dobbs Ferry Code are hereby amended with new matter underlined and deleted matter struck and in [~~brackets~~]:

ANIMAL RELATED USES, GENERAL

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

ANIMAL RELATED USES, INTENSIVE

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

ANTENNA

[~~Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.~~]

Any telecommunications facility located upon an existing freestanding tower or attached to a building, including but not limited to directional antennas (such as panels, microwave dishes, satellite earth station antennas over two meters in diameter) and omnidirectional antennas (such as whips). This term does not include antennas two meters or less in diameter.

[~~ASSISTED CARE RESIDENTIAL FACILITY~~

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

BAR OR TAVERN USES
An establishment which shall be licensed by New York State for the sale of alcoholic beverages, having as its principal or predominant use the serving of beer, wine or liquor for consumption on the premises, and which sets a minimum age requirement for entrance consistent with state law.

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

[~~BUILDING HEIGHT~~
~~Building height is measured as follows: The maximum height of a structure in feet shall be measured perpendicularly from the existing grade to an imaginary plane located the permitted number of feet above and parallel to the existing grade. For peaked roofs, height shall be measured to the midpoint of the roof. No portion of a peaked roof below the midpoint shall extend above said imaginary plane. For flat roofs, height shall be measured to the top of the roof. No portion of a flat roof shall extend above the imaginary plane. Parapets with a height of 36 inches or less are not included in determining building height.~~
~~A. Exception:~~
~~(1) In the downtown districts, building height is measured from the midpoint of the building fronting on the public sidewalk on Broadway (Route 9), Ashford Avenue, Cedar Street or Main Street, and not from the grade plane, to the peak of a pitched roof or the top of a flat roof~~
~~(2) In the downtown districts, the first floor of a building which provides at-grade direct access or egress onto the public sidewalk shall be considered a story, whether or not it meets the standards for being considered a basement~~.]

CELLAR
[~~A portion of a building located substantially underground and having less than three feet of its floor-to-ceiling height above the grade plane. A cellar is not counted as a story for the purpose of height and setback regulations. (See "basement.")~~]
A portion of a building having more than 1/2 of its interior height below the grade plane and a clearance of less than 6 feet.

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

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

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

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

COMMERCIAL USES
The commercial use group includes uses that provide a business or professional service or involve the selling, leasing or renting of merchandise to the general public.

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

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

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

CRITICAL ROOT ZONE (CRZ)
3The area containing the volume of roots necessary for maintenance of tree health and stability. The CRZ is determined as a circle with a diameter calculated from the diameter at breast height (DBH) using the equation: (DBH X 1.5) X 2, which typically extends beyond the dripline of the tree (as defined below).

DAY-CARE/ NURSERY SCHOOL
A nonresidential facility that provides less than twenty-four-hour-per-day care or supervision for children, elderly or the infirm in a group environment for a fee. Services may include, but are not limited to, nursing and rehabilitative services, personal care, transportation services, educational and social or recreational activities. All facilities are licensed and operated in accordance with applicable New York State Social Services Law.

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

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

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

DIAMETER AT BREAST HEIGHT (DBH)
[~~Diameter of a tree trunk at 54 inches above the average natural grade at the base of the tree~~.]
A standard measurement of tree size taken by measuring the diameter of the trunk at a height of 4.5 feet (54 inches) above ground level. Guidelines for determining DBH in some of the more complicated situations are as follows:
(1) If the tree has branches, bumps or forks that interfere with DBH measurement, measure below that point and record the height at which DBH was determined.
(2) If the tree is growing vertically on a slope, measure DBH from the uphill side of the slope.
(3) If the tree is leaning, measure DBH in the direction of the lean.
(4) If the tree splits into several trunks close to the ground (i.e., has a multistemmed or low-branched habit), the DBH of the tree is the sum of the DBH of each trunk.

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

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

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

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

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

DWELLING, ONE-FAMILY
A building containing one dwelling unit not physically attached to any other principal structure.

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

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

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

FENCE
An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

[~~FLAG LOT~~
~~See "lot, flag."~~]

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

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

[~~FRONT LOT LINE~~
~~See "lot line, front."~~]

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

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

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

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

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

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

HAZARDOUS TREE
A tree that exhibits serious defects, that is, obvious and visible signs that the tree is failing and that it presents an imminent threat to the health and safety of persons, property, power lines or places where people gather. Examples of serious defects include, but are not restricted to, one or more of the following conditions:
(1) Excessive damage by an act of God, usually a weather event such as windstorm, lightning strike or flooding, with major broken branches, split trunk, large cracks or other defects that cannot be corrected by pruning.
(2) Severe cracks in the main stem or in branch unions that penetrate deeply into the wood of the tree.
(3) Advanced decay associated with cracks, branch unions, cavities in the tree or root flares and buttress roots. Evidence of fungal activity including mushrooms, conks, and brackets growing on root flares, stems, or branches can be indicators of advanced decay.
(4) Leaning beyond 45° from vertical with evidence of recent root exposure, soil movement or soil mounding.
(5) Supported solely by the action of another tree or object.

HEIGHT, BUILDING
[~~See "building height."~~]
Building height is measured as follows: The maximum height of a structure in feet shall be measured perpendicularly from the existing grade to an imaginary plane located the permitted number of feet above and parallel to the existing grade. For peaked roofs, height shall be measured to the midpoint of the roof. No portion of a peaked roof below the midpoint shall extend above said imaginary plane. For flat roofs, height shall be measured to the top of the roof. No portion of a flat roof shall extend above the imaginary plane. Parapets with a height of 36 inches or less are not included in determining building height.
A. Exception:
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(2) In the downtown districts, the first floor of a building which provides at-grade direct access

or egress onto the public sidewalk shall be considered a story, whether or not it meets the standards for being considered a basement.

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

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

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

HOME[~~-BASED~~] OCCUPATION
[~~Any use conducted entirely within a dwelling and/or its accessory building and carried on by the inhabitants thereof, which is clearly incidental and accessory to the use of the dwelling as a place of residence and which does not involve visits to the home from clients, customers or the public~~.]
Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, with not more than two nonresident assistants working at the same time, with no retail sales of products produced off the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, does not have any exterior evidence of that secondary use other than a permitted nameplate, does not involve the use of other than customary home appliances and equipment, and does not involve the keeping of a stock-in-trade. The conducting of a clinic, hospital, barbershop, beauty parlor, tea room, bed-and-breakfast, or the raising of animals, or any similar use, shall not qualify as a home occupation.

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

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

HOUSEHOLD LIVING
Residential occupancy of a dwelling unit by a occupants constituting a household unit with tenancy arranged on a monthly or longer basis, not on a short-term rental basis.

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

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

INN
[~~A facility offering lodging accommodations with no more than 10 guest rooms. Meals may be served to customers currently staying at the inn and their guests only~~.]
A facility offering lodging accommodations with no more than 10 guest rooms or suites to the general public, which may also provide additional services and facilities as accessory uses, such as restaurants, meeting rooms, entertainment and recreational facilities, provided that these accessory uses are a permitted use in the zoning district.

[~~LAND USE OFFICER~~
~~See § 300-25.~~]

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

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

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

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

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

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

[~~NEW YORK ENERGY STAR-LABELED HOME~~
~~Any new one- or two-family dwelling or multifamily dwelling of three stories or less built to achieve a minimum home energy rating sufficient to comply with the standards for Energy Star®-labeled homes in New York State created under the home energy rating system established pursuant to the National Home Energy Rating Technical Guidelines issued by the National Association of State Energy Officials, and which meets the following two additional requirements:~~
~~A. Includes a total of 300 kilowatt hours per dwelling unit of estimated annual savings from Energy Star®-labeled lighting and appliances; and~~
~~B. Includes the capability to deliver automatically controlled mechanical ventilation of at least 15 cubic feet per minute per dwelling unit plus an additional 15 cubic feet per minute per bedroom.~~]

NURSING HOME, RETIREMENT HOME, OR ASSISTED LIVING FACILITY
[~~Any premises licensed by the State of New York to function as a nursing home.~~]
A building or buildings, whether operated for profit or not, which provides the housing, meals, health care assistance and personal care to one or more adults who are not relatives of the owner or proprietor, which is licensed by New York State for such operations.

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

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

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

OUTDOOR DINING
The serving of food and/or beverages in a designated area outside a fully enclosed structure as an accessory use to a permitted restaurant, bar, cocktail lounge or similar use.

PARKING USES, NONACCESSORY
Facilities providing space for the parking of vehicles, but which are not accessory to a specific principal use. A fee may or may not be charged. A facility that provides both accessory parking for a principal use and nonaccessory parking is also classified as nonaccessory parking. Uses are divided into two subgroups based on provision of parking in surface lots or in structures (aboveground or below ground.)

PROTECTED TREE
[~~Any deciduous or evergreen perennial plant, usually having one main stem or trunk and more or less definitely formed, whose trunk has a diameter of eight inches or more (25 inches in circumference) at a height of 54 inches (4 1/2 feet) measured from the average natural grade at the base of the tree. Protected trees shall also include any tree, regardless of size, that has been found by the Tree Commission (TC) to have historic or unique value to the Village, as defined above~~.]
Any of the following:
(1) A tree with a DBH of eight inches or more, regardless of location.
(2) A tree with a DBH of three inches or more located in a wetland, watercourse buffer or watershed buffer (as defined elsewhere in Village Code).
(3) A tree with a DBH of three inches or more located on a slope of 25% or greater.
(4) A tree that has been planted as a specific requirement of site development plan approval or as part of a previous replanting or restoration agreement.
(5) A tree of historic or unique value to the Village (as defined herein).
(6) A tree with a DBH of three inches or more designated by the New York State Department of Environmental Conservation as a protected native plant for our region.

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

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

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

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

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

RESTAURANT, USES
A food service establishment having licenses for the preparation and serving of food and beverages to customers for consumption on the premises.

RETAIL SALES AND SERVICE USES
Establishments involved in the sale, lease or rental of new or used products to the general public and establishments involved in the sale of personal services, hospitality services, or product repair services to the general public.

RETAIL SALES AND SERVICE USES, SALES ORIENTED
Establishment selling, leasing or renting consumer, home or business goods, including, but not limited to, antiques, appliances, art, art supplies, bicycles, carpeting, clothing, dry or packaged goods, electronic equipment, fabric, flowers, food for carry-out and consumption off site, furniture, garden supplies, gifts, groceries, hardware, household products, jewelry, pharmaceuticals, plants, printed material and stationery. This use also includes retail establishments that have a small-scale product creation component or cottage industry, such as bakeries, confectioneries, upholsterer, and similar.

RETAIL SALES AND SERVICE USES, PERSONAL SERVICE ORIENTED
Establishments engaged in providing retail services, including, but not limited to, banking and financial services, laundromats, catering services, dry cleaners, tailors, shoe repair, photographic studios, photocopy services, quick-printing services, blueprint services, beauty salons, tanning salons, therapeutic massage establishments, taxidermists, mortuaries, funeral homes, and crematoriums. Establishments offering tattooing services are not included in this use category. Tattooing establishments are prohibited in the Village of Dobbs Ferry, except when performed for medical purposes by a person licensed to practice medicine or osteopathy.

RETAIL SALES AND SERVICE USES, REPAIR ORIENTED
Establishments providing repair or servicing of consumer goods, such as electronics, bicycles, office equipment, appliances.

RETAIL SALES AND SERVICE USES, OUTDOOR STORAGE AND DISPLAY ORIENTED
Establishments and uses that typically include large areas of outdoor storage or display, such as lumberyards, sales of landscaping materials and nursery products, equipment rental businesses.

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

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

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

SIGN
[~~B. ADVERTISING SIGN~~
~~A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot on which the sign is located.~~]
[~~E. BILLBOARD SIGN~~
~~Refer to definition of "off-premises sign."~~]
[~~J. INSTITUTIONAL SIGN~~
~~A sign that identifies or describes the services or functions of premises or facilities used, maintained, or owned by any not-for-profit educational institution, church, religious society, fraternal organization, public utility, hospital or any other similar organization.~~]
[~~K. MEMORIAL or TABLET SIGN~~
~~The permanent part of a building that denotes the name of the building, date of erection, historical significance, dedication or other similar information.~~]
[~~M. NEON SIGN~~
~~An illuminated sign, typically constructed of a glass discharge tube that has been shaped to form letters or symbols, and which contains a gas or vapor (typically neon or mercury) that emits light when voltage is applied across electrodes at either end of the tube.~~]
[~~P. POLE SIGN~~
~~One or more stationary poles or pylons supporting a freestanding sign, located on the same lot or parcel as the use it advertises.~~]
[~~Q. POLITICAL SIGN~~
~~A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.~~]
[~~R. PORTABLE SIGN~~
~~A sign that is not permanently affixed to a building or structure or the ground, and that may be readily moved or relocated, such as a "sandwich sign."~~]
[~~T. PYLON SIGN~~
~~See "pole."~~]

W. TEMPORARY SIGN Any sign not permanently mounted and related to a single activity or event having a limited duration of 30 days or less, including but not limited to campaigns or elections, grand openings, special sales and going-out-of-business signs.

STORY, HALF (1/2 STORY)
[~~See "half story."~~]
The attic space under a sloping roof, the floor of which is not more than two feet below the wall plates, having a ceiling height of seven feet six inches or more. If the total attic floor area having a floor-to-ceiling height of seven feet six inches or more exceeds 50% the floor area of the story below, it shall be deemed a full story.

STRUCTURE
Anything that is developed with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include but are not limited to walls, buildings, fences, signs and swimming pools, but structures do not include grade-level terraces, walkways, driveways or other paved surfaces.

STUDIO FOR ARTISTS AND CRAFTSPERSONS
The workshop for an artist, maker or craftsperson where goods are produced but where such goods are not generally offered for sale.

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

TREE COMMISSION (TC)
As defined in Article VI of this Chapter.

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

TREE OF HISTORIC OR UNIQUE VALUE
A tree with unique or noteworthy characteristics or intrinsic value, including, but not limited to, species, age, location, historical significance, ecological value, or incomparable or irreplaceable aesthetic benefit to the community or environment. Examples include:
(1) "Champion" tree listed on an accredited tree registry or shown to be of comparable size to such listed tree.
(2) Rare or endangered species on federal or state lists.
(3) Specimen tree exhibiting qualities such as noteworthy leaf color or shape, peeling bark, floral display, fruit, overall form or habit, unique wildlife habitat support, or rarity.

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

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

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

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

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

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

VISION PLAN
[~~A~~] Synonymous with a comprehensive plan and adopted by the Board of Trustees [~~pursuant to~~] or as otherwise permitted pursuant to § 7-722 of the New York Village Law, which indicates the general locations recommended for the various functional classes of public works, places and structures and the general physical development of the Village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

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

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

Section 3. Section 300-15 "Use groups and category definitions" of the Dobbs Ferry Code is hereby amended with new matter underlined and deleted matter struck and in [~~brackets~~]:

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

(1) Group living uses. Residential occupancy of a dwelling by other than a "family," typically providing communal kitchen/dining facilities. Examples shall include:

(a) Group home.
(b) Retirement home, nursing home, or assisted living facility.

(2) Household living. Examples shall include:

(a) Cluster development.
(b) Mixed-use residential.
(c) Multifamily [~~building~~] dwelling.
(d) Multifamily housing complex.
(e) One-family dwelling.
(f) Townhouse.
(g) Two- or three-family dwelling.

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

(1) Adult uses. Examples shall include adult arcades, adult bookstores, adult video stores, adult model studios, adult motels, adult theaters, adult entertainment cabarets and peep shows.

(6) Lodging uses. Examples shall include:

(a) Bed-and-breakfast.
(b) Hotel.
(c) Inn.

D. Civic and institutional uses. The civic and institutional use group includes uses that provide public or quasi-public services. The public and civic use group includes the following use categories:

(3) Educational uses. [~~Public and private s~~] Schools that provide state-mandated primary and secondary generalized education, higher education, and schools for specialized activities, such as dance, music, martial arts, business, and technical skills. Uses are divided into the following subgroups:

(a) Private elementary or secondary school.
(b) Public elementary or secondary school.
(c) Specialized schools.
(d) Higher learning.

F. Other uses.

(1) Wireless telecommunication services facilities. Examples shall include:

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

G. Accessory uses.

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

Section 4. Section 300-52 "Site plan review and waiver" of the Dobbs Ferry Code is hereby amended with new matter underlined and deleted matter struck and in [~~brackets~~]:

§ 300-52 **Site plan review and waiver.**

A. When required.

(1) Site plan review shall be required for all building permit applications that meet one or more of the following criteria:

(a) Excavation or filling involving more than [300] 500 cubic feet of earth.

(2) Site Plan Waiver. The Planning Board and/or the Village Board of Trustees may waive the requirements of site plan review upon request by or upon recommendation of the Land Use Officer.

B. Review of site plan applications by the Board of Trustees and Planning Board.

(2) Application referral from Land Use Officer.

(a) The Land Use Officer shall refer all applications in these districts, as well as any application in another district involving at least one acre of land and/or any application that impacts at least one acre of land, to the Board of Trustees for site plan approval in accordance with this section.

(b) The Board of Trustees shall have final site plan approval authority for all applications set forth in Subsection **B(1)(a)** through **(e)** above and for any application that impact at least one acre of land, after referral to the Planning Board for recommendation. The Board of Trustees shall have the option to retain final site plan approval authority in all other districts if the site plan impacts, in any way, at least one acre of property. The Board of Trustees shall have 30 days to decide whether it desires to retain final site plan approval in districts where a proposed site plan impacts at least one acre of property, after referral from the Land Use Officer.

(c) If the Board of Trustees decides not to be responsible for final review and approval of a site plan application, such review and approval shall become the responsibility of the Planning Board, subject to this section.

(d) The Planning Board shall be responsible for review and approval of site plan applications for properties not set forth in Subsection **B(1)(a)** through **(e)** above and where the Board of Trustees does not retain final site plan approval authority for any application that impact at least one acre of land.

C. Applications for site plan review. Each application shall be accompanied by the following:

[~~(6) All additional submittal requirements cited in Appendix D~~.]

D. Criteria for approval. The Board of Trustees and/or the Planning Board shall evaluate each application for site plan based on the purposes and standards of this chapter, adopted design guidelines, and adopted plans, including the Vision Plan and the Local Waterfront Revitalization Plan for only Unlisted or Type 1 Actions under SEQR, as well as the finding of the environmental quality review for the application. In addition, each application shall meet the following standards:

(7) A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter **262** of the Village of Dobbs Ferry Village Code shall be required for site plan approval. The SWPPP shall meet the requirements of § **262-7** and the performance and

design criteria and standards in § **262-8** of the Village of Dobbs Ferry Code.

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

J. Reservation of parkland.

(1) Legislative Findings.

(b) New residential development resulting from site plan and subdivision approvals may create additional demand for both active and passive recreational facilities and areas, and new facilities and areas for recreation will need to be established to meet the growing and increased needs of residents for each new dwelling unit constructed in the Village.

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

(3) Disposition of funds. Any monies required by the Village for park, playground or other recreational purposes, pursuant to the provisions of this section and any other provision of the Village of Dobbs Ferry Code, shall be deposited in the Village trust fund to be used by the Village exclusively for park, playground or other recreational purposes, including the acquisition of property. Such payment shall be a condition of site plan and/or subdivision approval and shall be assessed in accordance with the recreation fee schedule established under Chapter **175**, Fees, in the Village Code or other relevant fee established by the Board of Trustees in conjunction with the site-specific findings made by the Board of Trustees and/or the Planning Board. For dwelling units [~~homes in~~] resulting from a site plan and/or subdivision, no certificate of occupancy shall be granted by the Village unless such payment has been received. A note so stating shall be affixed to the site plan or subdivision plat filed with the Westchester County Clerk's office (Division of Land Records). When deemed appropriate by the Board of Trustees and/or the Planning Board, the payment of recreation fees may be required prior to the issuance of a building permit for the project.

Section 5. Section 300-53 "Special use permits" of the Dobbs Ferry Code is hereby amended with new matter underlined and deleted matter struck and in [~~brackets~~]:

§ 300-53 **Special use permits.**

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

(2) Consistent with the adopted guidelines, the Vision Plan, and the Local Waterfront Revitalization Plan for all Unlisted and Type I Actions under SEQR[~~and the findings of the environmental quality review, if applicable~~];

Section 6. Section 300-42 "Fences and walls" of the Dobbs Ferry Code is hereby amended with new matter underlined and deleted matter struck and in [~~brackets~~]:

§ 300-42 **Fences and walls.**

A. General standards.

(2) Fences, [~~property~~] walls, and retaining walls are not subject to setback requirements from property lines. Retaining walls with a height differential of less than 30 inches as measured from the grade at the low side to the grade at the high side do not require a building permit. All retaining walls with a height differential of 30 inches or greater as measured from the grade at the low side to the grade at the high side require a building permit and are subject to site plan review and approval. Except as set forth in Village Code § **300-18**, all walls requiring a building permit shall be submitted to and approved by the AHRB.

B. Height.

(1) Measurement.

(b) When a fence is erected upon a man-made berm or wall, the height shall be measured from the base of the man-made berm or wall and shall be limited to a height of set forth in Subsections B(2) and B(3). Retaining walls are excluded.

(c) [~~For compliance with Subsection B(1)(b) above, if~~] [~~f~~]Fences [~~or walls~~] located on top of retaining walls [~~or berms~~] shall be limited to [~~a~~] the height [~~of four feet~~] set forth in Subsections B(2) and (3) measured from the grade at the bottom of the fence to the top of the fence or wall. [~~For the purpose of measuring the height of retaining walls, any retaining wall within five feet of another wall shall be considered a single wall.~~]

(4) Exemptions.

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

Section 7. Section 300-27 "Procedures common to all board meetings" of the Dobbs Ferry Code is hereby amended with new matter underlined and deleted matter struck and in [~~brackets~~]:

§ 300-27 Procedures common to all board meetings.

A. General requirements. The Planning Board, Zoning Board of Appeals, Architectural and Historic Review Board and Conservation Advisory Board shall follow the following procedures for all meetings:

(1) All meetings and hearings of the Planning Board, Zoning Board of Appeals, Architectural and Historic Review Board and Conservation Advisory Board shall be held at the call of the [~~Chairman~~] Chairperson and at such other times as such board may determine and shall be open to the public. The board shall fix a reasonable time for the hearing of an application or appeal; give due notice thereof to the applicant, the Land Use Officer and the other persons affected; and decide the application or appeal within a reasonable time. Upon a hearing, any party may appear in person or by agent or by attorney. The [~~Chairman~~] Chairperson or, [in his absence] in the absence of the Chairperson, the Acting [~~Chairman~~] Chairperson may administer oaths and compel the attendance of witnesses.

Section 8. Section 300-28 "Procedures common to all applications" of the Dobbs Ferry Code is hereby amended with new matter underlined and deleted matter struck and in [brackets]:

D. Submission requirements.

(1) The Land Use Officer shall provide the applicant with application forms, including a checklist, which [~~shall stipulate, at a minimum, the items required in Appendix D. T~~] the applicant shall submit together with the application materials. The applicant may request on the form that one or more required items [~~in the checklist~~] on the application forms be waived. [~~Each request for a checklist waiver shall be accompanied by written documentation providing the reasons the waiver is being requested.~~]

(2) An application shall be accompanied by plans and descriptive information sufficient to clearly portray the intentions of the applicant [~~and shall include, at minimum, the information shown in Appendix D, along with any other requirements established by the Village~~]. Site plans shall be prepared by an engineer, architect, landscape architect, planner or other qualified professional.

(3) Reviewing boards have the authority to deem specific information [~~shown in Appendix D~~] as not required for a particular application when, in the opinion of the reviewing board, the particular information is not pertinent to the application or its review.

E. Approvals by other agencies.

(1) Approval by the County Planning Board. Any application requiring referral to the County Planning Board pursuant to § 239-m or 239-n of the General Municipal Law shall be referred [~~to that Board by the Planning Board~~] prior to the scheduling of any public hearings by any Village review board. If an application requires referral to the County Planning Board, the procedures of the General Municipal Law at § 239-m or 239-n, as appropriate,

shall be followed for the review and approval of such applications, in addition to those procedures set forth in this chapter.

G. Public notice and hearing.

(2) For all special permits, variances, site plans, subdivisions and for other matters as established by this chapter, including review of applications by the Architectural and Historic Review Board, the applicant shall also be required to post a notice on a sign provided by the Land Use Officer, stating that there is a pending application on the property and a telephone number to call for further information. This sign shall be posted in public view in a conspicuous location within three days after the application has been accepted by the Village and a meeting or hearing date scheduled. The sign shall remain in place until the day after the hearing is closed.

(3) When a public hearing and/or public meeting is completed, the reviewing board shall decide by vote whether to approve, approve with conditions, or disapprove the application. The size of the majority required for approval shall be determined in accordance with the New York State Village Law. Within [~~30~~] 60 days of a decision, the reviewing board shall set forth in writing a resolution of approval or disapproval describing the reasons therefor and any conditions attached to the approval.

Section 9. Section 300-36 "Downtown Districts" of the Dobbs Ferry Code is hereby amended with new matter underlined and deleted matter struck and in [~~brackets~~]:

F. Site development standards. The site development standards are intended to ensure compatibility with the historic character and design quality of the Village.

[~~(2) Parking.~~

~~(a) The Planning Board has the authority to waive the on-site parking for nonresidential uses with a floor area of 1,000 square feet or less.~~

~~(b) No parking shall be located between the front facade of the principal building and the adjacent street in the DB and DT Districts. To the maximum extent practicable, parking in the DG District should be focused to interior portions of a site, away from public streets.~~

~~(c) Any surface parking visible from a public street shall be screened by a thirty-inch- to forty-eight-inch-tall screening device. For the purposes of this section, "screening device" shall mean: a continuous masonry wall constructed of brick, stone or split-face concrete block; a combination masonry pier and decorative iron railing; other durable and decorative screening device that is consistent with the materials of the building facade (such as concrete or stucco); a solid, evergreen hedge; or a combination of the above. Chain link, wood or vinyl picket fencing are not appropriate screening devices.~~

~~(d) Any parking lot adjacent to a residential zoning district shall provide:~~

~~[1] A five-foot-tall screening device on the property line abutting the residential zoning district; and~~

~~[2] A ten-foot-wide landscaped buffer with trees located at a maximum 30 feet on center. The wall or fence described in Subsection F(2)(d)[1] above may be within the ten-foot buffer area.~~

~~(e) Paving materials for parking areas must be distinct from the paving material used for an adjacent sidewalk.~~

~~(f) The maintenance of screening, landscaping and paving may be required by the Planning Board, including the posting of a maintenance bond or cash deposit in an amount~~

~~determined by the Land Use Officer and in a form acceptable to the Village Attorney, as a condition of site plan approval~~.]

Section 10. Section 300-48 "Parking" of the Dobbs Ferry Code is hereby amended with new matter underlined and deleted matter struck and in [~~brackets~~]:

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

(2) Expansions and increases in building size or density.

(a) Nonresidential uses.

[2] [~~(Reserved)~~] The on-site parking for nonresidential uses with a floor area of 1,000 square feet or less may be waived by the approving authority during the review and approval process.

C. General regulations.

(7) Any parking lot adjacent to a residential zoning district shall provide:

(a) A five-foot-tall screening device on the property line abutting the residential zoning district; and

(b) A ten-foot-wide landscaped buffer with trees located at a maximum 30 feet on center. The wall or fence described in Subsection C(7)(a) above may be within the ten-foot buffer area.

(8) The maintenance of screening, landscaping and paving may be required by the approving authority, including the posting of a maintenance bond or cash deposit in an amount determined by the Land Use Officer and in a form acceptable to the Village Attorney, as a condition of site plan approval.

D. Parking area design.

(1) Location. Off-street parking spaces must be located on the same lot as the use served except as allowed in Subsection H, Alternative parking requirements, below. Where practicable, parking should be located behind the front facade of the principal building on a lot.

(a) Downtown Districts. No parking shall be located between the front facade of the principal building and the adjacent street in the DB and DT Districts. To the maximum extent practicable, parking in the DG District should be focused to interior portions of a site, away from public streets.

(4) Screening devices. Any surface parking visible from a public street shall be screened by a thirty-inch- to forty-eight-inch-tall screening device. For the purposes of this section, "screening device" shall mean: a continuous masonry wall constructed of brick, stone or split-face concrete block; a combination masonry pier and decorative iron railing; other durable and decorative screening device that is consistent with the materials of the building facade (such as concrete or stucco); a solid, evergreen hedge; or a combination of the above. Chain link, wood or vinyl picket fencing are not appropriate screening devices.

(5) Paving materials for parking areas must be distinct from the paving material used for an adjacent sidewalk.

H. Alternative parking standards. Properties located in nonresidential zoning districts are eligible for modifications to the parking requirements of Table C-1 per the following standards. In each case, an appropriate reduction in parking shall be determined by the Planning Board as part of the site review process, with the standards below provided as a guide. In some cases, additional

parking reductions may be appropriate; in other cases, lesser reductions may be necessary in order to minimize impacts on surrounding properties and the Village as a whole.

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

(a) Calculation of cooperative parking reductions. The [~~Planning Board~~] approving authority may[~~is authorized to~~] approve an adjustment allowing a reduction in the number of off-street parking spaces required when multiple users provide their off-street parking in the same parking lot, as follows:

[1] Up to a twenty-percent reduction may be approved when four or more commercial users are involved;

[2] Up to a fifteen-percent reduction may be approved when three commercial users are involved; and

[3] Up to a ten-percent reduction may be approved when two commercial users are involved.

(b) Location of cooperative parking facility. A use for which an application is being made for cooperative parking must be located within 1,250 feet walking distance of the cooperative parking, measured from the entrance of the use to the nearest parking space within the cooperative parking lot, subject to adjustment by the [~~Planning Board~~] approving authority.

(4) Payment in lieu of parking (PILOP) program. A payment in lieu of parking for development located within [~~a downtown~~] the Downtown Business (DB), Downtown Transition (DT), Downtown Gateway DG), Mixed Density Residential 1 (MDR-1), Mixed Density Residential 2 (MDR-2), and Broadway (B), zoning districts may be accepted by the Board of Trustees to satisfy the off-street parking requirement as long as the following standards are met:

(5) Required parking in Downtown Business (DB), Downtown Transition (DT), Downtown Gateway DG), Mixed Density Residential 1 (MDR-1), Mixed Density Residential 2 (MDR-2), and Broadway (B).

(a) Not withstanding Table C-1, in the Downtown Business (DB), Downtown Transition (DT), Downtown Gateway DG), Mixed Density Residential 1 (MDR-1), Mixed Density Residential 2 (MDR-2), and Broadway (B), the minimum number of required off-street parking spaces for the following uses shall be set forth below:

Use	Minimum Parking Requirement
Mixed-use structure	Same as the requirements for commercial area plus 1 space per dwelling unit
Multifamily dwelling Multifamily housing complex	1 space per dwelling unit

(b) For all other uses, the minimum required number of off-street parking spaces shall be set forth in Table C-1

(6) Electric Vehicle Charging Stations.

(a) The approving authority may approve the use of Electric Vehicle Charging Stations (EV in lieu of the required parking spaces set forth in this section and Table C-1 if the following requirements are also met:

[1] Each EV station shall be provided with a charging space the dimensions, access, and design of which shall comply with the zoning requirements and design standards of a standard parking space.

[2] There shall be no limit to the number of charging stations.

[3] The use shall comply with all other zoning requirements applicable.

Section 11. Article XVI of Chapter 300 of the Dobbs Ferry Code is hereby amended with new matter underlined and deleted matter struck and in [~~brackets~~]:

Article XVI Application Fees and Escrow Deposits[/], Amendments and Corrections

§ 300-91 Procedure for amending chapter.

New York Village Law § 7-700 empowers the Board of Trustees to act by local law to adopt, amend, supplement or repeal this chapter, or any part thereof. Prior to conducting the public hearing required by law and specified in Subsection C hereof, the proposed local law shall be referred by the Village Board to the Planning Board for review and preparation of a written response which shall be rendered no later than 62 days following such referral.

A. Response from the Planning Board. When reviewing a proposed local law, the Planning Board shall consider the criteria specified below:

(1) In connection with an amendment or change in the text of this chapter:

(a) Whether such change is consistent with the aims and principles embodied in the law as to the particular districts concerned.

(b) Which areas, land uses, buildings and establishments in the Village will be directly affected by such change, and in what way they will be affected.

(c) Any indirect implications of such change in its effect on other regulations.

(d) Whether such proposed amendment is consistent with the aims of the Vision Plan of the Village and the LWRP.

(2) In connection with a proposed amendment involving a change in the Zoning Map:

(a) Whether the uses permitted by the proposed change would be appropriate in the area concerned.

(b) Whether adequate public school facilities and other public facilities and services, including roads, exist or can be reasonably expected to be created to serve the needs of any additional dwellings or other uses likely to be constructed as a result of such change.

(c) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.

(d) The effect of the proposed amendment upon the growth of the Village as envisaged by the Comprehensive Plan and the LWRP.

B. Any petition for a zoning amendment shall be accompanied by a fee in an amount set by the Village Board of Trustees in accordance with Chapter 175. No fee shall be required for petitions filed in favor of or against any application.

C. By resolution adopted at a meeting of the Village Board, the Village Board shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given in accordance with the provisions of § 7-706 of Article **VII** of the Village Law. All notices of public hearing shall specify the nature of any proposed amendment; the land or district affected; and the date when and the place where the public hearing will be held. At least 15 days' notice of the time and place of such hearing shall be published in the official newspaper of the Village. When such proposed amendment reflects a change to the Zoning Map, the Village Clerk shall cause notice to be mailed at least 15 days before the hearing to all owners of properties which lie within 300 feet of the map change and to such other owners as the Village Board may deem advisable. The names of said owners shall be taken as they appear on the last completed tax roll of the Village. In the case of a protest against any amendment, such amendment shall not become effective except in accordance with the provisions of § 7-708 of Article **VII** of New York Village Law.

Section 12. Section 262-7 "Stormwater pollution prevention plans" of the Dobbs Ferry Code is hereby amended with new matter underlined and deleted matter struck and in [~~brackets~~]:

§ 262-7 Stormwater pollution prevention plans.

A. Stormwater pollution prevention plan requirement. No application for approval of a land development or redevelopment activity as defined herein or site plan approval as defined in §300-52 of the Land Use and Zoning chapter of the Village Code shall be approved until the Planning Board, Zoning Board of Appeals, Village Board of Trustees, or SMO has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter. This shall include applications for site plan approval with clearing, grading, excavating, soil disturbance or placement of fill activities that results in land disturbance less than one acre.

B. Contents of stormwater pollution prevention plans.

(2) Land development or redevelopment activities as defined in § 262-6 of this chapter and meeting Condition A, B [~~or~~], C or D below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in § 262-7B(3) below, as applicable:

(d) Condition D. This project will result in storm water runoff from land development or redevelopment activity disturbing less than one acres of land that has been identified by the Stormwater Management Officer as being necessary to include water quantity or quality controls during the course of the project, even if the project is not increasing impervious cover.

Section 13. Section 262-9 "Maintenance, inspection and repair of stormwater facilities" of the Dobbs Ferry Code is hereby amended with new matter underlined and deleted matter struck and in [~~brackets~~]:

§ 262-9 Maintenance, inspection and repair of stormwater facilities.

A. Maintenance and inspection during construction.

(2) For land development or redevelopment activities as defined in § 262-6 of this chapter and meeting Condition A, B C, or D [~~C~~] in § 262-7B(2) of this chapter, the applicant shall have a qualified professional engineer or certified professional in erosion and sediment control (CPESC) conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.

Section 14. Except as otherwise provided herein, all other provisions of the Dobbs Ferry Code shall remain unchanged.

Section 15. This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the NYS Municipal Home Rule Law and shall be published and posted by the Village Clerk as required by law, including NYS Village Law §7-706 applicable to zoning text amendments.

(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. 2 of 2024 of the ~~(County)(City)(Town)~~(Village) of DOBBS FERRY was duly passed by the VILLAGE BOARD OF TRUSTEES on JULY 23, 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 w ith 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.

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* 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

(Seal)

Date: JULY 23, 2024

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF WESTCHESTER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
Daniel Pozin, Attorney for the Village
Title

~~County~~
~~City~~ of DOBBS FERRY, NEW YORK
~~Town~~
Village

Date: JULY 23, 2024