

Local Law 15-2024

A local law amending Chapter 270 Zoning), sections 270-4 (Definitions; use group classifications), 270-11 (MF-1 and MF-2 Multifamily Residence Districts), 270-14 (NC-1 and NC-2 Neighborhood Center Districts), 270-15 (VC Village Center District), 270-15.1 (Downtown and Croton Avenue Overlay Districts), 270-19 (CDD Conservation Development District), 270-20 (SP-N Station Plaza North District), 270-22 (RDD Riverfront Development District), 270-23 (PW Planned Waterfront Districts), 270-24 (IR Institutional/Redevelopment District), Appendix A (Table A-1), Appendix A (Table A-2), Appendix B (Table B-1 Bulk Regulations), Appendix B (Table B-2 Bulk Regulations), Appendix B (Table B-3 Bulk Regulations), and Appendix C (Tables C-1, C-2 and C-3 Parking Requirements).

BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:

Section 1. Chapter 270, section 270-4 (Zoning, Definitions; use group classifications) is amended with new matter underlined and deleted matter in **[brackets]**.

§ 270-4 Definitions; use group classifications.

- A. Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings herein indicated.

ACCESSORY STRUCTURE

A structure that: i) is subordinate to and serves a principal building or principal use; ii) is subordinate in area, extent and purpose to the principal structure or principal use served; iii) contributes to the comfort, convenience and/or necessity of the principal use; and iv) is located on the same lot as the principal structure or principal use served.

ACCESSORY USE

A land use that is subordinate in use, area or purpose to a primary land use on the same lot or the same premises. Accessory uses may have separate use-specific standards or may be defined as incidental to a primary use. See also, definition for Primary Use.

ACRE

An area containing 43,560 square feet.

ACTIVE EDGE

A private frontage requiring a minimum glazing area and a minimum average frequency of doorways to promote visibility and activity along certain lot frontage types.

ADMINISTRATIVE ADJUSTMENT

Allows for minor modifications or deviations from the dimensional or numeric standards of the Village of Ossining Zoning Code and to provide greater flexibility without requiring a variance.

ALTER

To change, enlarge or rearrange the structural parts of an existing building or structure or to move a building from one location or position to another.

APPLICANT

The person or entity that is submitting an application for development, or the successor to the same.

ARTICULATION

An architectural demarcation consisting of an element such as a cornice line or entablature; a course of brick, stone or other material which projects or is differently colored or differently laid; or a change from an opaque surface to a void.

ADULT ENTERTAINMENT USE

For the definition of “adult entertainment use,” see Chapter 60, Adult Entertainment.

ANIMAL RELATED USE, GENERAL

Animal-related uses, such as pet stores and grooming services, that occupy less than 5,000 square feet of floor area, have no outdoor facilities, and that provide same-day services or treatment only for domestic animals such as dogs, cats, fish, birds and small animals.

ANIMAL RELATED USES, INTENSIVE

Animal-related uses that provide outdoor facilities, overnight boarding, or services and/or treatments for larger animals, such as animal shelters, kennels, stables, veterinary clinics and pet stores occupying more than 5,000 square feet of floor area.

AREA VARIANCE

The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

ARTISAN WORKSPACE, GENERAL

A workplace used for the production of art, sculpture, crafted products or similar items on a small-scale basis that requires hand tools. A gallery or showroom used for the display and sale of the artisan-crafted products may be included.

ARTISAN WORKSPACE, INTENSIVE

A workplace used for the production and sale of crafted products that requires machines or more intensive equipment or materials to craft the end product. Such uses are wholly confined within an enclosed building. Examples include woodworking, metalworking, glassmaking, textile, fiber-based or other knitted, loomed or woven crafts, farm or craft brewery or craft distillery, small-batch confectionary-making or frozen desert-making (gelato, ice cream) or similar type of artisanal products. A gallery, showroom, or parlor used for display, sampling and sale of the crafted products may be included.

BAR

A licensed establishment having as its primary or predominant use the serving of beer, wine, or liquor for consumption on the premises or for take-out or delivery service for off-site consumption, but that does not meet the definition of Tap Room or Tasting Room.

BASEMENT

A portion of a building partly underground but having less than one-half of its clear height below the grade plane and a clearance of six feet or greater. For purposes of administering the floodplain regulations contained in Chapter 141, Flood Damage Prevention, a basement is defined in section 141-12(B).

BED AND BREAKFAST

An owner-occupied residence used to provide lodging accommodations and a morning meal to visitors for compensation, provided that the owner lives on premises and with no more than none guest rooms that are rented for temporary sleeping accommodations at market rates with a maximum length of stay of fourteen consecutive nights. Some or all of the guest rooms may be in accessory buildings. Provision of alcoholic beverages is controlled by state statute.

BASE DISTRICT

Any zoning district which is mapped in an area subject to the provisions of an overlay district.

[BASEMENT

That portion of a building that is partly or completely below grade plane. A basement shall be considered as a story where the finished surface of the floor above the basement is:

- (1) More than six feet above grade plane;
- (2) More than six feet above the finished ground level for more than 50% of the total building perimeter; or
- (3) More than 12 feet above the finished ground level at any point.]

BILLBOARD

Any sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed, or only incidentally upon such lot, including motor vehicles with signs attached thereto and parked in such a way as to serve as billboards, whether on the same lot as the business or not. Exceptions are temporary signs, [and] way-finding signs **and signs associated with Electric Vehicle Charging Stations.**

BOARDINGHOUSE[, LODGING HOUSE] or ROOMING HOUSE

A building arranged or used for lodging for compensation, with or without meals, and not occupied as a [single-family] **dwelling** unit.

BOARD OF TRUSTEES

The governing board of the Village.

BUFFER

An open space or landscaped area consisting of trees, shrubs, berms, walls, solid fencing or a combination of all, so installed to visibly and physically separate one use from another or to shield or block noise, lights or other nuisances. The buffer shall not be used or otherwise encroached upon by any parking, paving or aboveground structure on the lot so as to provide for adequate separation and protection from otherwise inharmonious or incompatible uses. A buffer requirement is in addition to all yard and setback requirements and is measured at right angles to and inward from the yard line.

BUILD-TO LINE

A line defining the portion of the build-to zone closest to a street or civic space which is typically parallel to the street right-of-way.

BUILD-TO ZONE

The area of a lot facing a public frontage where a portion of the front building façade is required to be located, between the build-to line and a line parallel to the build-to line.

BUILDING

[Any structure used or intended for supporting or sheltering any use or occupancy, as well as the following:

- (1) Fences projecting above the ground not more than 6.5 feet at the lower ground level.
- (2) Masonry or rock walls projecting above the ground and not more than 3.0 feet at the higher ground level and not more than 6.5 feet at the lower ground level. Retaining walls are excluded. [Amended 8-2-2011 by L.L. No. 3-2011]
- (3) Porches, outdoor bins and other similar structures.]

An independent, fully enclosed structure with a roof supported by columns or walls resting on its own foundations that is built and maintained for the support, shelter, or enclosure of persons, animals, or property of any kind.

BUILDING AREA

The maximum horizontal cross section of a building, including porches, balconies and raised platforms, but excluding cornices, roof overhangs, gutters or chimneys projecting not more than three feet, and steps and terraces not more than three feet above the average adjacent ground elevation.

BUILDING INSPECTOR

[The Building Inspector of the Village or his designee. Any reference to the Building Inspector in this chapter shall also be deemed to include and refer to the Director of Code Enforcement.]

The official designated by the municipality to enforce building, zoning and similar laws or his/her designee. Any reference to "Building Inspector" shall include, where applicable, Assistant Building Inspector, Code Enforcement Officers and Director of Code Enforcement.

[Amended 1-19-2010 by L.L. No. 1-2010]

BULK

The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, coverage and yard setbacks.

CELLAR

A portion of a building having more than one-half of its interior height below the grade plane and a clearance of less than six feet.

CERTIFICATE OF APPROPRIATENESS

Issued by the Historic Preservation Commission relating to the proposed construction, reconstruction or alteration of the exterior architectural features of a property locally landmarked or a property in one of the Historic Architectural Design Districts.

CERTIFICATE OF COMPLIANCE

Official certification that the use of a building conforms to this chapter and to any additional applicable rules and regulations.

CERTIFICATE OF OCCUPANCY

Official certification that a building or structure conforms to this chapter and to any additional applicable rules and regulations and may be occupied.

CIVIC SPACE

An area of open space accessible to the public, immediately adjacent and contiguous with a public frontage in the form of a square, green or courtyard.

CLUBHOUSES AND COMMUNITY CENTERS

A use that provides meeting space and facilities for the activities of private, nonprofit associations or religious institutions including the members and participants in the activities of such association or institution, and their guests, including members of the public invited by such association or institution to attend such activities. Examples include nonprofit meeting halls and activity space, clubs, associations or nonresidential fraternal organizations, such as the Masons, Eagles, Moose and Elks Lodges and the Lions and American Legion clubs, and community centers for homeowners' associations or neighborhoods. Such a use typically restricts access to the general public without specific invitation. The organization usually owns, leases or holds property in common for the benefit of its members and invited guests.

COMPREHENSIVE PLAN

[A comprehensive plan adopted by the Board of Trustees pursuant to 722 of the Village Law which indicates the general locations recommended for the various functional classes of public works,

places and structures and the general physical development of the Village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.]

The adopted official statement of a legislative body of a local government that sets forth (in words, maps, illustrations, and/or tables) goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within its planning jurisdiction and that includes a unified physical design for the public and private development of land and water adopted in accordance with New York Village Law section 7-722.

COMMON OPEN SPACE

The unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind, of which not more than 25% is roofed for shelter purposes only, and which is available and accessible to all occupants of the building or buildings on said lot for purposes of active or passive outdoor recreation.

CONDITIONAL USE

A land use that is allowable in a particular zoning district subject to conditional approval by the Planning Board based upon a review of the potential adverse impacts of the use and any appropriate mitigation measures to minimize those impacts on nearby properties.

COVERAGE

- (1) BUILDING COVERAGE- That percentage of the land area covered by the combined building area of all buildings, excluding any building or structure located completely below ground.
- (2) IMPERVIOUS COVERAGE-That percentage of the land area covered by impervious surfaces.

CULTIVATION GROW FACILITIES

Indoor facilities such as greenhouses or hot houses, where the primary function and activities are the production, preparation, and sale of crops, as a commercial enterprise. The production of compost, soil or other biomass products which are not crops is not an agricultural use but is allowed solely where it is accessory to and a product of the operation of the indoor cultivation use. Processing, warehousing, distribution and marketing, if conducted at the same site or campus, shall be treated as additional principal uses.

CURB LEVEL

The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line.

DAY CARE AND NURSERY SCHOOLS

A non-residential facility that provides care or supervision for children for less than twenty-four hours per day for a fee. Day care uses also include organized programs of short-term supportive day care in a group environment for adults who need supervision, assistance or

both. Services may include, but are not limited to, nursing and rehabilitative services, personal care, transportation services and social or recreational activities.

DENSITY

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

DEVELOPED LOT

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

DISTRICT [or ZONE]

Any portion of the territory of the Village within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this chapter.

DORMITORY

A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use.

DOWNTOWN OVERLAY DISTRICT AND CROTON AVENUE OVERLAY DISTRICT DEVELOPMENT

A development of land that conforms to section 270-15.1 and is located within the Downtown Overlay District or Croton Avenue Overlay District zones.

DRIVEWAY

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

[DWELLING, DETACHED ONE-FAMILY

A detached building containing one dwelling unit only.]

DWELLING, SINGLE-FAMILY DETACHED

A residential building used for one dwelling unit on a single lot that is not attached to any other dwelling unit through shared side or rear walls, floors or ceilings, or corner points.

DWELLING, SINGLE-FAMILY ATTACHED

A single-family dwelling unit that is in a single structure with other single-family dwelling units. Each dwelling units must:

- 1. Be separated from the other dwelling units by a fire-rated vertical common party wall running from the foundation to the roof of the building; and**
- 2. Have its own individual entry to an outdoor sidewalk or walkway without the need to pass through a lobby or shared use area of the structure.**

This definition includes dwellings commonly referred to as rowhouses, "side-by-side" townhouses. Each dwelling unit must be on its own individual lot.

DWELLING, TWO-FAMILY

A residential building containing two dwelling units on a single lot. Each dwelling unit in a two-family dwelling is completely separated from the other by an unpierced wall dividing the two units side-by-side or back-to-front or by an unpierced ceiling and floor extending from exterior wall to exterior wall (over/under) except for a stairwell exterior to one of the dwelling units.

DWELLING, [MULTIFAMILY] MULTI-FAMILY

A building [or portion thereof containing three or more dwelling units] **or portion of a building located on a single lot, containing three or more dwelling units.**

[DWELLING, ROW OR ATTACHED

A one-family dwelling with party walls separating it from adjacent units on one or both sides.]

[DWELLING, TWO-FAMILY

A detached building containing two dwelling units only in which the units are separated by vertical or horizontal partitions and not by a party wall.]

DWELLING UNIT

[A single unit providing complete, independent living facilities for one family, including provisions for living, sleeping, eating, cooking (including all types of cooking appliances) and sanitation. All rooms in a unit must have an internal structural connection such as internal doorways or internal stairs. A house trailer, boardinghouse or rooming house, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing or other similar homes or other similar structures shall not be deemed to constitute a dwelling unit.]

A residential building or portion of a building that is arranged, designed, used or intended for residential occupancy with provisions for living, sleeping, eating, cooking and sanitation. All rooms in a unit must have an internal structural connection such as internal doorways or internal stairs. The term dwelling unit does not include a unit in a continuing care facility, hotel, motel, residence hall, hospital or other accommodation used for more or less transient occupancy.

ENTERTAINMENT OR RECREATIONAL USES, INDOOR

Indoor commercial facilities that may require large areas to accommodate equipment or facilities and that are use primarily for physical exercise, recreation or cultural activities. Examples include physical fitness centers; health clubs; gyms; bowling alleys; indoor skating rinks; billiard halls; amusement arcades; indoor play parks; indoor theaters; performing arts centers; music halls; and museums.

ENTERTAINMENT OR RECREATIONAL USES, OUTDOOR

Outdoor, land-intensive uses that provide continuous recreation or entertainment-oriented [commercial activities and that may take place in a number of structures arranged together, such as commercially operated tennis and swimming facilities; golf driving ranges; outdoor miniature golf facilities; and active sports facilities such as batting cages.

EXTERIOR ARCHITECTURAL FEATURE

The architectural style and general arrangement of such of the exterior of a structure as is designed to be opened to view from a public way, including kind, color and texture of building materials, type of all windows, doors, lights, signs and other fixtures appurtenant to such portion.

FACADE

One side of the exterior of a building.

FAMILY

[One or more persons, whether or not related by blood or marriage, living and eating together as a single housekeeping unit and sharing common expenses and household tasks.]

A. One of the following:

- 1. One, two or three persons occupying a dwelling unit; or**
- 2. Four or more persons occupying a dwelling unit and living together as a common household or the functional equivalent of a common household.**

B. It shall be presumptive evidence that four or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a common household.

C. In determining whether individuals are living together as the functional equivalent of a common household, the following criteria must be present:

- 1. The group is one which in theory, size, appearance, structure and function resembles a common household.**
- 2. The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a common household.**
- 3. The group shares expenses for food, rent or ownership costs, utilities and other household expenses.**
- 4. The group is permanent and stable. Evidence of such permanence and stability may include:**
 - a. The presence of minor dependent children regularly residing in the household who are enrolled in local schools;**
 - b. Members of the household have the same address for purposes of voter registration, drivers' licenses, motor vehicle registration and filing of taxes;**
 - c. Members of the household are employed in the area;**
 - d. The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;**

- e. There is common ownership of furniture and appliances among the members of the household; and
 - f. The group is not transient or temporary.
5. Any other factor reasonably related to whether or not the group is the functional equivalent of a common household.

FENCE

Any partition or gate erected as a dividing marker, barrier or enclosure and located along the boundary or within the lot area consisting of posts or stakes joined together by materials such as but not limited to boards, rails, netting or mesh. No fence in any residential district shall include barbed or chicken wire.

[Added 8-2-2011 by L.L. No. 3-2011]

FIRST FLOOR ELEVATION

The vertical distance measured from the sidewalk closest to the principal entrance of a building to the first floor above grade.

FLAG LOT

A lot that contains two distinct parts:

- (1) The flag, which is the only building site and is located behind another lot; and
- (2) The pole, which connects the flag to the street and provides the only street frontage for the lot and at any point is less than the minimum lot width for the zone.

[FLOOR AREA, HABITABLE, RESIDENTIAL

All spaces within the exterior walls of a dwelling unit, exclusive of garages, breezeways, unheated porches, cellars, heater rooms and basements having a window area of less than 10% of the square foot area of the room. Habitable floor area shall include all spaces not otherwise excluded above that are arranged for living, eating, food preparation or sleeping purposes, not including bathrooms, foyers, hallways and other accessory floor space.]

FLOOR AREA, LIVABLE, RESIDENTIAL

[All spaces within the exterior walls of a dwelling unit, exclusive of garages, breezeways, unheated porches, cellars, heater rooms and basements having a window area of less than 10% of the square foot area of the room. Livable floor area shall include all spaces not otherwise excluded above, such as principal rooms, utility rooms, bathrooms, all closets and hallways opening directly into any rooms within the dwelling unit.]

The total useable space available within the perimeter walls on all floors of a building including interior corridors, stairs, elevators, passageways, and finished basements serving the primary function of the building. Unfinished basements and attics, unheated porches and breezeways, garages, and maintenance shops are excluded from living area calculations. Heated basement or attic areas are considered finished if all the walls, ceilings, and floors are finished. Walls and ceilings shall be deemed finished only if covered with plaster, wallboard or similar material.

Floors shall be deemed finished only if covered with carpeting, tile, linoleum, or similar material. In rooms with sloped ceilings (e.g., finished attics) living area is considered that portion of the room with a ceiling height of at least six feet if at least one-half of the finished area of the room has a ceiling height of at least eight feet.

FRONTAGE OR FRONTAGE, SITE

The horizontal distance measured along the full length of a street line abutting the lot.

FRONTAGE OCCUPANCY

A defined area within site frontage that must be occupied by a building façade for a specified minimum height and built within the build-to zone.

FRONTAGE TRANSITION ZONE

The portion of the public frontage between the build-to line and the pedestrian throughway allowing for building fixtures (e.g., lighting, signage, projected architectural moldings), moveable planters, moveable furnishings and displays and signage boards.

FRONTAGE TYPE, LOT

A designated set of standards controlling the placement of buildings along a public frontage as defined by the street frontage type.

FRONTAGE TYPE, STREET

A set of standards, designated on the regulating plan, defining a range of permitted lot frontage types for those portions of a lot facing a public frontage.

FRONTAGE, PRIMARY

The portion of a lot facing the street type with the highest volume of vehicular traffic.

FRONTAGE, PRIVATE

The area within a lot between the build-to line and a line parallel to it that is twenty feet behind the build-o line.

FRONTAGE, PUBLIC

The area located between the face of the curb and the build-to line as defined by the regulating plan and corresponding street type of civic space designations. The public frontage is comprised of sidewalk zones termed landscape and furnishing zone, pedestrian throughway zone and frontage transition zone.

FUNERAL PARLORS, MORTUARIES AND CREMATORIIUMS

A building or structure used by a professional licensed mortician for cremation, burial preparation and/or other funeral services.

GARAGE, PRIVATE

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

GENERAL PROFESSIONAL OFFICES

Establishments providing executive, management, administrative, professional services, consulting, record keeping, or headquarters of an enterprise or organization but excluding any use included in retail and service uses. Such establishments include offices for lawyers, accountants, engineers, architects and real estate agents; financial services, such as mortgage lenders, brokerage houses, financial consultants, administrative and banking facilities; data processing; government offices; public utility offices; social service or other professional agency or nonprofit offices; television and radio studios; and business offices.

GRADE

The finished ground level adjoining the building or structure at all exterior walls. **Definition includes "grading."**

GRADE PLANE

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

GREENHOUSE

A fully enclosed structure that houses plants and other vegetation for the sole purpose of growing vegetation but not for commercial purposes.

GROSS FLOOR AREA

[For one- and two-family homes: The gross floor area shall include all floor areas of all habitable rooms of all buildings and structures on the site. For all other buildings and structures: The gross floor area shall mean the sum of the areas of horizontal sections through each story of all parts of the building devoted to residential or commercial use. In computing the gross floor area, the area of horizontal section shall be that area enclosed by the outside faces of all exterior walls. Further, the gross floor area shall not include the floor areas devoted to any accessory parking structures.]

The total area of all habitable space in a building or structure.

GROUND FLOOR

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

HABITABLE ROOM

[A room or enclosed floor space arranged for living, eating, food preparation or sleeping purposes, not including bathrooms, foyers, hallways and other accessory floor space.]

A room or enclosed floor space arranged for living, eating and sleeping purposes (not including bathrooms, water closet compartment, laundries, pantries, foyers, hallways and other accessory floor spaces). Minimum height shall be six feet seven inches measured from the finished floor to finished ceiling. Rooms with sloping ceiling shall have a minimum of 50% of the floor area at a height of seven feet six inches, finished floor to ceiling.

HEIGHT OF A STRUCTURE OR BUILDING

The vertical distance measured from the grade plane to the average height of the highest point of the building or structure, excluding the chimney and rooftop appurtenances such as antennas, elevator penthouses, water towers or mechanical equipment.

HOME OCCUPATION, MAJOR

Any non-residential use conducted wholly or in part in a dwelling unit or accessory structure thereto by the owner of same, which clearly is incidental to the use of the dwelling for living purposes and does not change the residential character of the dwelling unit or vicinity or have any exterior evidence of such secondary use.

HOME OCCUPATION, MINOR

Any non-residential 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.

HOSPITAL

An institution that specializes in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons licensed by state law to provide such services. Hospitals may include inpatient medical or surgical care for the sick and injured and related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities.

HOTEL

A facility offering ten or more rooms for lodging accommodations for compensation to the general public and which also may provide additional services, such as meeting rooms, entertainment and recreational facilities, all for the use of customers residing at the facility and their guests, and wherein all rooms are connected to interior hallways and thereby to interior elevators, lobbies and/or stairways, through which access to the exterior is gained. Motels and motor courts are not included in this definition and are prohibited in all zoning districts.

IMPERVIOUS SURFACE

Those surfaces, improvements and structures that cannot effectively infiltrate snow melt and stormwater into the ground, including but not limited to: parking areas, driveways, streets, sidewalks, areas of concrete, asphalt, gravel or other compacted aggregate, swimming pools, and areas covered by the outdoor storage of goods or materials which do not absorb water.

INDOOR STORAGE

The storage, but not for sale, of goods and/or materials inside of a fully enclosed structure that is incidental but clearly related to the principal use of the site such as office- or retail-related uses.

INFRASTRUCTURE AND UTILITIES, GENERAL

Public or private buildings, structures and lands that provide infrastructure and/or utility services located in or near the neighborhood or use where the service is provided, such as water and sewer pump stations, stormwater retention and detention facilities, telephone exchanges, and surface transportation stops such as bus stops and park-and-ride facilities.

INFRASTRUCTURE AND UTILITIES, INTENSIVE

Public or private buildings, structures and lands that provide regional or community-wide infrastructure and/or utility services that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, solid waste facilities and electrical substations.

INSTITUTIONS OF HIGHER LEARNING

Colleges, universities and professional schools that grant academic degrees and require 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 granting associate academic degrees, certificates or diplomas. These uses tend to be in campus-like settings or on multiple blocks.

LANDSCAPE AND FURNISHING ZONE

The area of sidewalk between the curb and sidewalk throughway designated as the primary location for street trees, street furniture and light standards.

LIGHT MANUFACTURING

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. Examples may include, but are not limited to: production and repair of small machines or electronic parts and equipment; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; and manufacturing of jewelry, clothing, trimming decorations and any similar item.

LINER BUILDING

A building designed to screen the view of a parking lot or parking structure from a build-to zone, street or civic space.

LOCAL WATERFRONT REVITALIZATION PLAN (LWRP)

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

LODGING HOUSE

Establishments primarily engaged in providing lodging units or rooms for transient stays of fewer than thirty consecutive nights for rent, lease or interval occupancy. Lodging house does not include dormitories, which are generally occupied for a month or longer, or short-term lodging accessory to an owner- or tenant-occupied dwelling.

LODGING HOUSE

A one-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms.

LOT

A portion or parcel of land considered as a unit.

LOT AREA

The total horizontal area included within the property lines of a lot.

LOT, CORNER

A lot at the junction of and abutting on two or more intersecting streets where the interior angle of the intersection does not exceed 135°. A lot abutting a curved street shall be deemed to be a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135°.

LOT, DEPTH

The minimum distance from the street line of a lot to the rear lot line of such lot.

LOT LINE

A line dividing one lot from another or from a street or public place.

LOT LINE, FRONT

The lot line which abuts or runs along the designated street line. In the case of a flag lot situated to the rear of another lot, its front lot line shall be the rear lot line of the front lot for purposes of measuring the front yard.

LOT LINE, REAR

The lot line generally opposite to the street line; if the rear lot line is less than 10 feet in length, or if the lot comes to a point in the rear, the rear lot line shall be deemed to be a line parallel to the street line, not less than 10 feet long, lying farthest from the street line.

LOT WIDTH

The dimension measured along the front yard line at substantially right angles to the depth of the lot.

MEDICAL OR DENTAL CLINIC/OFFICE

A facility for physicians, dentists, chiropractors, physical therapists or other licensed health care practitioners to examine and treat persons on an out-patient basis.

MIXED-USE

A building or site designed for and containing more than one of the uses permitted on the site.

MOTELS AND MOTOR COURTS

A facility offering rooms for lodging accommodations for compensation to the general public and for which access to the room is gained through exterior stairs or parking areas.

MUNICIPAL USES

Facilities owned or operated by the Village and not subject to the standards of this chapter, including but not limited to reservoirs, water supply reservations, parks and open space, playgrounds, recreational facilities, community centers, libraries, firehouses, police stations, government offices, government garages, and public parking areas.

[NONCOMPLYING] NONCONFORMING BUILDING

A building which contains a use permitted in the district in which it is located, but which does not conform to the district regulations for: lot area, width or depth; front, side or rear yards; maximum height; lot coverage; or minimum livable floor area per dwelling unit.

NONCONFORMING USE

A use, whether of a building or tract of land, or both, existing on the effective date of this chapter, which does not conform to the use regulations of the district in which it is located.

OCCUPANCY

The purpose for which a building or structure, or portion thereof, is utilized or occupied.

OPEN AREA

An area of land that provides uninterrupted space for the purposes of view corridor preservation. Open area may include open space or green space, as well as parking or loading areas.

OPEN SPACE

Areas of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment; or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may be improved with those buildings, of

which not more than 25% roofed for shelter purposes only, and other improvements that are designed to be incidental to the natural openness of the land.

OUTDOOR ACCESSORY RECREATION

A recreational use that may take place in any number of structures that are arranged together in an outdoor setting and that has a surface or field area greater than four-hundred square feet. Examples include, but are not limited to, tennis, volleyball and basketball courts, soccer and baseball fields.

OUTDOOR DINING

Food or beverage service areas outside of a fully enclosed structure as an accessory use to a permitted restaurant or bar or cocktail lounge use. Sidewalk cafes and outdoor dining at approved open spaces may be permitted within the public right-of-way pursuant to the requirements in chapter 216 (Sidewalk cafes, outdoor dining and sidewalk sales).

OUTDOOR DISPLAY

Displays that are for sale that are a minor part of the retail business and are typically seasonal.

OUTDOOR STORAGE

The storage, but not display for sale, of goods and/or materials outside of a fully enclosed structure that is incidental but clearly related to the principal use of the site such as office- or retail-related uses.

OVERLAY DISTRICT

A zoning district establishing regulations which supersede less restrictive regulations of a base district.

[OWNERSHIP, SAME

Includes all vested or contingent interests of any person or his/her agent, representative, successor or assignee, irrespective of whether or not such interest is recorded, in the following circumstances:

- (1) Direct ownership by such person or his or her spouse, child, parent, sibling or spouse of sibling, heir or next of kin, agent, corporation, firm, entity, partnership or unincorporated association.
- (2) Ownership of property by different corporations, firms, partnerships, entities or unincorporated associations, in which such a person is a stockholder, a partner or associate or his or her spouse, child, parent, sibling or spouse of sibling, heir or next of kin or owns 10% or greater in each corporation, firm, partnership, entity or unincorporated association.
- (3) When such person or his/her estate, successors or assigns, or any person or entity included in Subsections A and B herein, may be materially or substantively affected by the relief sought, or by any determination in any proceeding sought, before any board, body, commission or agency of the Village of Ossining, whether or not such person is a party to such application or proceeding and whether or not such person appears on the record of such proceeding.]

OWNER

An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

PARAPET LINE

A continuous horizontal projection for most of a façade. The parapet, like the eave line, can be a designated location for measure of building height.

PARKING AREA

A lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges in money and/or other considerations.

PARKING LOT

An off-street, improved lot, or part thereof, used for the storage of motor vehicles, which contains space rented to the general public by the hour, week, month or year.

PARKING USES, NONACCESSORY

Parking facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as non-accessory parking.

PARKING STRUCTURE

A building containing one or more stories of parking above grade.

PARTY WALL

The wall created on the boundary of the two properties and which serves as a common structure between the two premises owned by different parties.

PEDESTRIAN THROUGHWAY

An area within the sidewalk that must remain clear of obstructions to allow public passage.

PEDESTRIAN WAY

A pedestrian walkway providing common access between buildings, streets, civic spaces and parking areas, which may be open or roofed.

[PEDESTRIAN TRAFFIC FUNCTION

A measure of the intended use of the street for pedestrian traffic. Streets with a high pedestrian function: examples include Main Street, Highland Avenue, Croton Avenue, Spring Street, State Street, Brandreth Street, Water Street and Depot Plaza.]

PERMITTED USE

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

A land use that is allowed by right in a particular zoning district, either as a primary or accessory use.

PLACES OF WORSHIP

Meeting space and facilities for religious institutions. Examples include 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.

PLANNING BOARD

The Village of Ossining Planning Board, established by law.

PRIMARY USE

A land use that is a principal use of a property and allowable within a particular zoning district either permissively or conditionally. A primary use may be combined with other allowable primary or accessory uses within that zoning district.

PRINCIPAL BUILDING

A building in which is conducted the main or principal use of the lot on which said building is located.

PRINCIPAL ENTRANCE

The main point of access for pedestrians into a building.

PUBLIC SEWER AND PUBLIC WATER

Sewage disposal and water supply systems approved by the Village Board for municipal operation.

RESTAURANT

An establishment that serves food and beverages that are consumed on its premises by customers seated at tables and/or counters inside or outside the building thereon. Such establishment may provide customers with take-out service of food and/or beverages for off-site consumption. Sale of alcoholic beverages is controlled by other provisions in this code and state statutes.

RESTAURANT, CARRYOUT

Any establishment whose primary business is to prepare and sell ready-to-consume food or beverages, primarily for consumption off-site. Up to eight seats may be provided for on-site consumption or customer waiting. A carryout restaurant with more than eight seats is considered to be a restaurant. A carryout restaurant does not include a restaurant with drive-through facilities, convenience store, or craft beverage production establishment.

RESTAURANT WITH DRIVE-THROUGH

Any restaurant establishment that has a drive-through whose primary business is to prepare and sell ready-to-consume food or beverages for consumption on-site or off-site.

RETAIL AND SERVICE USES, SALES ORIENTED

Establishments providing for the sale or rental of general goods or merchandise to the general public for direct personal or household consumption and not for wholesale. Examples include but are not limited to antiques, appliances, art, art supplies, bicycles, carpeting, clothing, crafted items, dry goods, electronic equipment, fabric flowers, furniture, garden supplies, gifts, groceries, hardware, household products, jewelry, pet supplies (no animals or animal services), pharmaceuticals, plants, printed material, stationery, videos and similar goods. Also includes retail establishments that have a cottage industry or product-crafting component, such as bakeries, confectioneries, upholsterers, artisan workspaces, and similar.

RETAIL AND SERVICE USES, PERSONAL SERVICE ORIENTED

Establishments engaged in providing frequent or recurrent services to individuals or businesses for profit, including but not limited to laundromats, catering services, dry cleaners, tailors, shoe repair, photographic studios, photocopy services, quick printing services, blueprint services, beauty salons and spa services and tanning salons or similar.

RETAIL AND SERVICE USES, REPAIR ORIENTED

Establishments that offer repair of consumer goods, such as electronics, bicycles, office equipment and appliances. Does not include repair of motor vehicles, lawn, landscaping and garden equipment, small machines or similar intensive repair.

RETAIL AND SERVICE USES, OUTDOOR STORAGE AND SALES

Retail uses that typically include large areas of outdoor storage or display, such as lumber yards, sales of landscaping materials and nursery products or equipment rental businesses.

RETAINING WALL

A wall or portion thereof exceeding five feet in height built to support or prevent the advance of a mass of earth.

[Added 8-2-2011 by L.L. No. 3-2011]

SCHOOLS, ELEMENTARY OR SECONDARY

Public or private schools at the primary, elementary, junior high or high school level that provide state-mandated basic education including schools with residential facilities accessory and incidental to an accredited school and serving no more than twenty-five students.

SCHOOLS, SPECIALIZED

Schools primarily engaged in offering specialized trade, business or commercial courses, but not academic training. Includes non-degree granting schools such as music schools, dramatic

arts schools, dance studios, martial arts studios, language schools and other short-term examination preparatory schools.

SCREEN or SCREENING

- (1) A densely planted vegetative strip at least five feet wide or having equivalent natural growth. The shrubs or trees shall be at least four feet high at the time of planting and will be a type of planting that will form a year-round dense screen at least six feet high within three years;
- (2) An opaque wall or barrier or uniformly painted fence at least six feet high; or
- (3) Any other islands, barriers, emplacements, walls, fences, trees, plantings, shrubbery or other artificial or natural dividing strips or markers of any kind, wherever located on the site.

SELF-STORAGE USES

Facilities that provide for personal and business use, separate storage areas that are designed to allow private access by the tenant for storing or removing personal property.

SENIOR LIVING FACILITIES

An establishment providing lodging, boarding and nursing care for the elderly including: i) nursing homes, assisted-living facilities, retirement homes, adult-care facilities or retirement communities that have a license to operate from the New York State Department of Health; provided, however, that not all units within the licensed property must be licensed units or ii) any retirement home or community in which some of the residents require additional medical services or assistance with activities of daily living, including but not limited to assistance with grooming, preparation of meals, housekeeping or laundry, where one or more of such services or activities are provided or have the potential to be provided on site.

SETBACK

The **required minimum** distance between a structure and a lot line or, where specified in this chapter, another reference point or line, such as a curblin.

[Amended 8-2-2011 by L.L. No. 3-2011]

SHOPPING CENTER

A tract of land, with buildings or structures planned as a whole and intended for one or more establishments for retail, office or allied purposes, on a site of 65,000 square feet or more.

SIGN

Any structure, or part thereof or any device attached to a building or painted or represented thereon or displayed in a window, which shall display or include any letter, word, model, banner, pennant, insignia, device, trade flag or representation which is in the nature of or which is used as an announcement, direction or advertisement for commercial purposes or otherwise. A sign includes a billboard or a neon tube, string of lights or similar device outlining or hung upon any part of a building or lot, but does not include the flag or insignia of any nation or group of nations or of any governmental agency or of any political, educational, charitable, philanthropic, civic,

professional, religious or like campaign, drive, movement or event. Excluded from this definition are signs which are solely devoted to prohibiting trespassing, hunting or fishing or signs required by governments to indicate necessary public services or activities.

SIGN AREA

An area, including all faces of a sign, measured as follows:

- (1) When such sign is on a plate or framed or outlined, all of the area of such plate or the area of such frame or outline shall be included.
- (2) When such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, the total area of such sign shall be deemed the area within which all of the matter of which such sign consists may be inscribed.

SITE PLAN

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

SLOPE

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

SPECIAL PERMIT USE

A land use which is permitted in this chapter or by local law, subject to requirements imposed by law to ensure that the proposed use is in harmony with and will not adversely affect the neighborhood if such requirements are satisfied.

STEPBACK

A portion of a building set back above the street wall before the total height of the building is achieved. The position of the setback is controlled by a specified distance from the street wall.

STOREFRONT

A private frontage type primarily for retail use, with substantial glazing, wherein the façade is aligned close to the front lot line with the building entrance at sidewalk grade.

STORY

[That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. (See "basement.")]

That part of a building between the level of one finished floor and the level of the next higher finished floor or, if there is no higher finished floor, than that part of the building between the level of the highest finished floor and the top of the roof beams. A basement or cellar is a story

if the surface of the floor above the basement is more than fifty per cent of the total building perimeter; or more than twelve feet above finished grade at any point.

STORY, HALF

Any space partially within the roof framing, where the clear height of not more than [50%] **fifty per cent** of such space between the top of the floor beams and the structural ceiling level is seven feet six inches.

STREET

Includes a highway, road, avenue or alley which the public has a right to and is Village dedicated or that is a federal, state or county highway or street.

STREET LINE

The dividing line between a lot and a street.

STREET FRONTAGE

The lot line facing a street right-of-way which may be designated with a street frontage type on the regulating plan.

STREET FURNITURE

Public amenities such as benches, bicycle racks, trash cans, clocks and bollards, when located in and adjacent to the public sidewalks, improve pedestrian comfort, convenience and safety.

STREET WALL

The building wall or walls aligned alongside a sidewalk at a specified minimum height, facing a street to form a pedestrian experience with sidewalks and street enclosures.

STRUCTURAL ALTERATION

Any change in the supporting members of a building, such as beams, columns or girders.

STRUCTURE

[That which is built or constructed.]

Anything constructed or erected above ground level that requires location on the ground or attached to something having a location on the ground but not including a tent, vehicle, vegetation, trash can, bench, picnic table, or public utility pole or line. Swimming pools are structures whether above- or in-ground. This term shall include, but not be limited to buildings, walls, fences, sheds, awnings, signs, billboards, lighting fixtures, screen enclosures, works of art, electronic transmission or reception devices or other electronic devices and mechanical devices related to a building function.

SUBDIVISION

The division of land of real property into two or more lots, plots, blocks or sites, with or without streets or highways, for the purpose of offering such lots, plots, blocks or sites for sale, transfer of ownership or development. The term "subdivision" may include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the Office of the

County Clerk in Westchester County in which such plat is located excluding lot mergers which may be undertaken administratively.

SWIMMING POOL, NONCOMMERCIAL

A body of water in an artificial receptacle or other container, which will cause the retaining of water to a depth greater than 18 inches, and having a surface area of water greater than 100 square feet and which is used or intended to be used for swimming by any family or persons residing on the premises and their guests. Such noncommercial pool shall not be operated for gain and shall be located on a lot only as an accessory use to the dwelling or dwellings thereon. Such noncommercial pool may be either an inground pool, which shall mean a pool constructed within an excavated depression below the surface of the ground, or an aboveground pool, which shall mean a pool, the frame of which is constructed of steel, aluminum or wood and which rests upon the ground surface, and may include a deck area which encircles all or part of the outside perimeter of [such pool] **the swimming pool.**

TAP ROOM OR TASTING ROOM

A licensed establishment associated with a local brewery, winery or distillery operating under a state license where beer, wine or spirits are available for consumption on-site. Any production of alcohol as regulated by state law under one of these licenses is considered artisan manufacturing. Any sale of alcohol for off-premises consumption as regulated by state law under these licenses is not considered liquor retail.

TAXIDERMY SERVICES

The business of preparing, stuffing, and mounting the skins of animals to make them appear life-like.

TEMPORARY SIGN

A sign which relates to a single activity or event having a duration of 30 days or less.

[Added 8-2-2011 by L.L. No. 3-2011]

TOOL SHED

A fully enclosed structure that stores materials or equipment and that is incidental and subordinate to a primary residential use.

TRAILER[, CAMPING]

Any vehicle mounted on wheels, movable either by its own power or by being drawn by another vehicle, and equipped to be used for living or sleeping quarters or so as to permit cooking. The term "trailer" shall include vehicles if mounted on temporary or permanent foundations with the wheels removed.

TRAVELED WAY

The portion of a street between the curbs and available for use by vehicles, bicycles and other forms of transportation.

URGENT CARE CENTER

A use wherein urgent medical care medicine is performed, whether in a building or a portion of a building, which use is principally engaged in providing immediate walk-in, extended hour access to acute illness or injury by a licensed physician that is beyond customary medical office hours or availability of a typical primary care medical practice. Patients shall be served solely on an outpatient basis and no patients shall be kept overnight on the premises. Urgent care medicine is as defined by the American Academy of Urgent Care Medicine. Such urgent care center shall not be categorized as a medical office as defined herein.

USE, ACCESSORY

A use customarily incidental and subordinate to the main use on a lot, whether such accessory use is conducted in a principal or accessory building. An accessory use may not be accessory to another accessory use.

USE VARIANCE

Authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by applicable zoning regulations.

VARIANCE

Permission to depart from the literal requirements of a chapter pursuant to the applicable standards of the Village Law.

VEHICLE RELATED USES, GENERAL

General vehicle-related uses involve the limited service of passenger vehicles and the sale of vehicle parts with limited outdoor storage. Examples include car washes and auto detailing, gasoline filling stations, and retail sales of passenger vehicle parts with no on-site vehicle repair.

VEHICLE RELATED USES, GENERAL PLUS

A use that combines a general vehicle-related use and a secondary use that is incidental to the general vehicle use but that includes passenger car and vehicle repair limited to short-term, non-intensive repair, such as oil changes, tire rotations, fluid checks, and inspections but excluding auto body repair.

VEHICLE RELATED USES, INTENSIVE

Uses that allow for sales and service of motor vehicles, including heavy vehicles and equipment and lawn, landscaping and garden equipment, such as vehicle repair and servicing, including the installation of vehicle parts; auto body repair; vehicle sales or rental; and vehicle storage yards, including towing and wrecker services or impoundments.

VILLAGE

The Village of Ossining.

VILLAGE ENGINEER

The Village Engineer of the Village of Ossining.

VILLAGE LAW

The Village Law of the State of New York.

WAREHOUSE AND FREIGHT MOVEMENT USES

Facilities where the primary function involves the storage or movement of goods for themselves or other firms. Goods are generally delivered to the other firms or the final consumer, except for some will-call pickups. There is little or no on-site sales activity with the customer present or business or office uses. Examples include: separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; major wholesale distribution centers; truck and air-freight terminals; railroad switching yards; bus and railcar storage lots; taxi fleet parking and dispatch; fleet parking; parcel services; major postal facilities; grain terminals; and the stockpiling of sand, gravel and other aggregate materials.

WATER RELATED RECREATION FACILITIES

Public or private waterfront recreational facilities, including marinas, mooring or docking facilities to accommodate visitors, nonmotorized or motorized watercraft rental stores, and other similar related uses.

WATERCOURSE

Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

WIDTH, BUILDING

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

YARD, FRONT

An unoccupied ground area, fully open to the sky, between the street line and a line drawn parallel thereto along the front of the building, extending from lot line to lot line.

YARD, LINE

A line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this chapter.

YARD, REAR

An unoccupied ground area, fully open to the sky, between the rear lot line and a line drawn parallel thereto along the rear of the building, extending from lot line to lot line.

YARD, REQUIRED

Any yard measured between a line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this chapter.

YARD, SIDE

An unoccupied ground area, fully open to the sky, between any lot line other than a street or rear lot line and a line drawn parallel thereto along the side of the building between the front and rear yards.

ZONING MAP

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

B. Use group classifications.

(1) Use groups, categories and subcategories.

(a) Use groups. This chapter classifies land uses into five major groupings: residential; commercial; civic and institutional; industrial; and accessory. These are referred to as "use groups."

(b) Use categories and subcategories. Each use group is further divided into more specific use categories. Use categories classify land uses and activities based on common functional or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and potential impacts on adjacent properties or areas. Subcategories may be provided for some use categories and may be subject to differing zoning district or use-specific standards. **Use categories and subcategories are defined in section 270-4(A).**

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

(2) Residential use group. The residential use group includes uses that provide dwelling units for the purpose of ongoing living accommodations to one or more person. The residential use group includes the following use categories: [[Amended 8-2-2011 by L.L. No. 3-2011]]

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

[1] Dwellings, single-family detached. [A detached building containing one dwelling unit only.]

[2] Dwellings, single-family attached. [An attached one-family dwelling with party walls separating it from adjacent units on one or both sides.]

[3] Dwellings, two-family [detached]. [A detached building containing two dwelling units only in which the units are separated by vertical or horizontal partitions and not by a party wall.]

[[4] Dwellings, two-family attached. A two-family dwelling with party walls separating it from an adjacent unit on one side.]

[[5]] **[4]** Dwellings, multifamily. [A building or portion thereof containing three or more dwelling units.]

(3) Commercial use group. The commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use group includes the following use categories:

(a) Adult entertainment uses. [For the definition of "adult entertainment use," see Chapter 60, Adult Entertainment.]

(b) Animal-related uses. Commercial services related to the temporary care, boarding or medical treatment of animals. Uses are divided into two subgroups based on the intensity of the use, outdoor activity on the site and the potential for noise and odor-related externalities.

[1] General **animal-related uses**. [General animal-related uses have no outdoor facilities and provide same-day services or treatment only for domestic animals such as dogs, cats, fish, birds and small mammals. Overnight boarding for larger animals such as dogs and cats is not permitted. Examples include pet store and grooming uses occupying less than 5,000 square feet of floor area.]

[2] Intensive **animal-related uses**. [Intensive animal-related uses include larger pet stores or provide outdoor facilities, overnight boarding or services or treatments for larger animals. Examples include animal shelters, kennels, stables, pet stores occupying more than 5,000 square feet of floor area and veterinary clinics.]

(c) Bar [or tavern] , **tap or tasting room** uses. [An establishment, which is licensed by the New York State Liquor Authority, having as its principal or predominant use the serving of beer, wine or liquor for consumption on the premises and which sets a minimum age requirement for entrance and patronage, consistent with state law. A bar or tavern use may also be accessory to a brewery or distillery or similar operation on the premises and may include the serving of alcoholic beverages crafted on premises pursuant to required licenses and in compliance with all applicable provision of the Village Code, including this chapter. [Amended 1-20-2016 by L.L. No. 1-2016]]

(d) Entertainment or recreation uses. Commercial facilities used primarily for physical exercise, recreation or cultural activities. Uses are divided into two subgroups based on indoor or outdoor operations.

[1] Indoor **entertainment or recreation uses**. [Indoor uses in this category may require larger indoor areas to accommodate equipment or facilities for the proposed commercial entertainment or recreational activity. Examples include: physical fitness centers; health clubs; gyms; bowling alleys; indoor skating rinks; billiard halls; amusement arcades; indoor play parks; indoor theaters; performing arts centers; music halls; museums.]

[2] Outdoor **entertainment or recreation uses**. [Outdoor uses in this category are typically land-intensive uses that provide continuous recreation or entertainment-oriented commercial activities.]

They may take place in a number of structures that are arranged together in an outdoor setting. Examples include: commercially operated tennis and swimming facilities; golf driving ranges; outdoor miniature golf facilities; and active sports facilities such as batting cages.]

e) Lodging uses.

[1] Bed-and-breakfast. [An owner-occupied residence used to provide lodging accommodations and a morning meal to visitors for compensation, provided that the owner lives on the premises and not more than six bedrooms are so used for the NC Districts and nine bedrooms for the VC District and Waterfront Districts. The maximum length of stay for an individual guest shall be 14 nights.]

[2] Hotel. [A facility offering 10 or more rooms for lodging accommodations for compensation to the general public and which may also provide additional services, such as meeting rooms, entertainment and recreational facilities, all for the use of customers residing at the inn and their guests only, and wherein all rooms are connected to interior hallways and thereby to interior elevators, lobbies and/or stairways, through which access to the exterior is gained. Motels and motor courts are not included in this definition and are prohibited in all zoning districts.]

(f) Office uses. Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services. Uses are divided into [three] **two** subgroups based on land use impacts.

[1] General **professional offices**. [Professional offices, including lawyers, accountants, engineers, architects and real estate agents; financial services, such as mortgage lenders, brokerage houses, financial consultants, administrative and banking facilities; data processing; government offices; public utility offices; social service or other professional agency or nonprofit offices; television and radio studios; and business offices.]

[[2] Live-work unit. An office or studio located within the same dwelling unit as the primary residence of the proprietor. Uses may include lawyers, architects, engineers, designers, music teachers, teachers, licensed real estate and/or insurance brokers and other similar professional office uses. Note: An art or crafts workshop as part of a dwelling unit is included in the artisan workspace category in the industrial use group. No more than 40% of the live-work unit shall be devoted to the work use, and the unit shall not be located on the ground floor of the building. [Amended 1-20-2016 by L.L. No. 1-2016]]

[[3]] **[2]** Medical and dental. [A type of outpatient office use distinguished by a higher-than-typical number of customer visits. Examples include medical and dental clinics; chiropractic clinics; medical and dental labs; blood-collection facilities; and physical therapy clinics.]

(g) Parking uses, nonaccessory. [Parking facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as nonaccessory parking.]

- (h) Restaurant uses. [A fully enclosed establishment where meals or prepared food, including beverages, are served to customers for consumption on or off the premises, pursuant to required licenses.]
- (i) Retail sales and service uses. Establishments involved in the sale, lease or rent of new or used products to the general public for personal or household consumption and establishments involved in the sale of personal services, hospitality services or product repair services to the general public. Uses are divided into the following subgroups:
 - [1] Sales oriented. [Stores selling, leasing or renting consumer, home and business goods, including, but not limited to, antiques, appliances, art, art supplies, bicycles, carpeting, clothing, crafted items, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, household products, jewelry, pet supplies (no animals or animal services), pharmaceuticals, plants, printed material, stationery, videos and similar goods. Also includes retail establishments that have a cottage industry or product-crafting component, such as bakeries, confectioneries, upholsterers, artisan workspaces, and similar. However, in the case of an artisan workspace with retail sales of artisan-crafted products, both the retail sales use and the artisan workspace use shall be deemed principal uses and shall meet the standards required for both. [Amended 1-20-2016 by L.L. No. 1-2016]]
 - [2] Personal service oriented. [Establishments engaged in providing retail services such as laundromats, catering services, dry cleaners, tailors, shoe repair, photographic studios, photocopy services, quick printing services, blueprint services, beauty salons and spa services and tanning salons or similar.]
 - [3] Repair oriented. [Repair of consumer goods, such as electronics, bicycles, office equipment and appliances. Does not include repair of motor vehicles or lawn, landscaping and garden equipment, small machines or similar intensive repair.]
 - [4] Outdoor storage and sales. [Uses that typically include large areas of outdoor storage or display, such as lumber yards; sales of landscaping materials and nursery products; equipment rental businesses.]
- (j) Funeral parlors, [taxidermists,] mortuaries and crematoriums. [A building or structure used by a professional licensed mortician for cremation, burial preparation and other funeral services.]
- (k) Taxidermy services.**
- (k) Vehicle-related uses. Sales of motor vehicles or services related to motor vehicles. Uses are divided into [two] **three** subgroups based on the intensity of the use, vehicle types sold or serviced, amount of outdoor service or storage and the potential for noise and odor-related externalities.
 - [1] General **vehicle-related uses.** [General vehicle-related uses include limited service of passenger vehicles and the sale of vehicle parts, with outdoor storage limited to 10% of the lot size. Examples include car washes and auto detailing; gasoline filling stations; and retail sales of passenger vehicle parts with no on-site vehicle repair.]

- [2] General plus. [A site proposing to combine a general vehicle-related use and a secondary use that is incidental to the general vehicle use but includes passenger car and vehicle repair limited to short-term, nonintensive repair that includes such work as oil changes, tire rotations, fluid checks, inspections. The vehicle repair component shall not contain more than two bays. No auto body repair is allowed.]
- [3] Intensive **vehicle-related uses**. [Intensive vehicle-related uses allow for the sales and service of motor vehicles, including heavy vehicles and equipment, including lawn, landscaping and garden equipment. Outdoor storage areas for vehicles, parts or other supplies may exceed 10% of the lot area, but must be screened in accordance with the requirements of this chapter, except for vehicles on display for sale. Examples include vehicle repair and servicing, including the installation of vehicle parts; auto body repair; vehicle sales or rental; and vehicle storage yards, including towing and wrecker services or impoundments.]
- (4) Civic and institutional use group. 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:
- (a) Clubhouses and community centers. [A use that provides meeting space and facilities for the activities of private, nonprofit associations or religious institutions, including the members and participants in the activities of such association or institution, and their guests, including members of the public invited by such association or institution to attend such activities. Examples include nonprofit meeting halls and activity space, clubs, associations or nonresidential fraternal organizations, such as the Masonic, Eagles, Moose and Elk Lodges and the Lions and American Legion Clubs; community centers for homeowners' associations or neighborhoods. Such a use typically restricts access to the general public without specific invitation and owns, leases or holds property in common for the benefit of its members and invited guests. [Amended 4-6-2016 by L.L. No. 3-2016]]
- (b) Day care and nursery schools. [A nonresidential facility that provides care or supervision for children for less than 24 hours per day for a fee. Day care uses also include organized programs of short-term supportive day care in a group environment for adults who need supervision, assistance or both. Services may include, but are not limited to, nursing and rehabilitative services, personal care, transportation services and social or recreational activities.]
- (c) Educational uses. Public and private schools that provide state-mandated primary and secondary generalized education; and schools for specialized activities, such as dance, music, martial arts, business and technical skills. Uses are divided into three subgroups:
- [1] Elementary or secondary. [Private schools at the primary, elementary, junior high or high school level that provide state-mandated basic education including schools with residential facilities accessory and incidental to an accredited school and serving no more than 25 students. [Amended 1-17-2018 by L.L. No. 1-2018]]
- [2] Specialized schools. [Schools primarily engaged in offering specialized trade, business or commercial courses, but not academic training. 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. If a specialized school involves indoor or outdoor recreational facilities, these facilities shall be deemed second principal uses and shall only be permitted in accordance with the requirements for entertainment and recreation uses.]

- [3] **Institutions of [H] 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.]
- (d) Hospitals. [An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons that is licensed by state law to provide such services. Hospitals may include 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.]
- (e) Infrastructure and utilities uses. Public or private buildings, structures and lands used to provide infrastructure and utility services. Uses are divided into two subgroups based on potential impacts to surrounding areas, including the number of employees and/or visitors on site and the potential for noise and odor-related impacts.
- [1] **Infrastructure and utilities, general.** [General . Infrastructure services that need to be located in or near the neighborhood or use where the service is provided. Examples of general utilities include water and sewage pump stations, stormwater retention and detention facilities, telephone exchanges and surface transportation stops such as bus stops and park-and-ride facilities.]
- [2] **Infrastructure and utilities, intensive.** [Intensive. Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, solid waste facilities and electrical substations.]
- (f) Municipal uses. [Facilities owned or operated by the Village and not subject to the standards of this chapter, including but not limited to reservoirs; water supply reservations; parks and open space; playgrounds; recreational facilities; community centers; libraries; firehouses; police stations; government offices; government garages; and public parking areas.]
- (g) Places of worship. [A use that provides meeting space and facilities for religious institutions. Examples include 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.]

- (h) Senior living facilities. [An establishment providing lodging, boarding and nursing care for the elderly, including:
 - [1] Nursing homes, assisted-living facilities, retirement homes, adult-care facilities or retirement communities that have a license to operate from the New York Department of Health; provided, however, that not all units within the property must be licensed units; or
 - [2] Any retirement home or community in which some of the residents require additional medical services or assistance with activities of daily living, including but not limited to assistance with grooming, preparation of meals, housekeeping or laundry, where one or more of such services or activities are provided or have the potential to be provided on site.]
- i) Water-related recreation facilities. [Public or private waterfront recreational facilities, including marinas, mooring or docking facilities to accommodate visitors, nonmotorized or motorized watercraft rental stores and other similar related uses.]
- (5) Industrial use group. The industrial use group includes uses that produce or create goods from extracted, cultivated, harvested, shorn or similarly obtained materials, or from recyclable or previously prepared materials, including the design, storage, handling and dissemination 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. The Industrial use group includes the following use categories: [[Amended 1-20-2016 by L.L. No. 1-2016]]
 - (a) Artisan workspace, general. [A workplace used for the production of art, sculpture, crafted products or similar items on a small-scale basis that requires hand tools. A gallery or showroom used for the display and sale of the artisan-crafted products may be included but shall be treated as a second principal use.]
 - (b) Artisan workspace, intensive. [A workplace used for the production and sale of crafted products that requires machines or more intensive equipment or materials to craft the end product. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals and do not emit noxious noises, odors, vibrations, or fumes. Examples include woodworking, metalworking, glassmaking, textile, fiber-based or other knitted, loomed or woven crafts, farm or craft brewery or craft distillery, small-batch confectionery-making or frozen dessert-making (gelato, ice cream) or similar types of artisanal products. A gallery, showroom or parlor used for the display, sampling and sale of the crafted products may be included but shall be treated as a second principal use.]
 - (c) Cultivation grow facilities. [Indoor facilities such as greenhouses or hot houses, where the primary function and activities are the production, preparation, and sale of crops, as a commercial enterprise. The production of compost, soil or other biomass products which are not crops is not an agricultural use but is allowed solely where it is accessory to and a product of the operation of the indoor cultivation use. Processing, warehousing, distribution and marketing, if conducted at the same site or campus, shall be treated as additional principal uses. [Added 11-15-2023 by L.L. No. 11-2023]]

- (d) Light manufacturing. [Facilities for the transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals and do not emit noxious noises, odors, vibrations, or fumes. Examples may include, but are not limited to: production and repair of small machines or electronic parts and equipment; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; and manufacturing of jewelry, clothing, trimming decorations and any similar item.]
- (e) Self-storage uses. [Facilities that provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.]
- (f) Warehouse and freight movement uses. [Facilities where the primary function involves the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little or no on-site sales activity with the customer present or business or office uses. Examples include: separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; major wholesale distribution centers; truck and air freight terminals; railroad switching yards; bus and railcar storage lots; taxi fleet parking and dispatch; fleet parking; parcel services; major postal facilities; grain terminals; and the stockpiling of sand, gravel and other aggregate materials. Warehousing or indoor storage of material associated with another principal use such as retail, businesses or office use shall be considered an accessory to the primary use.]
- (6) Accessory buildings and uses. An accessory use or building is subordinate and accessory to a principal use or building on the same lot and is used for purposes customarily incidental to those of the principal use or building. Examples in a residential setting include private garages, tool sheds or noncommercial greenhouses. Specific definitions of certain types of accessory buildings and uses are provided [below] **in section 270-4(A)**; however, this list is not exhaustive. Additional accessory uses for individual zoning districts can be found in this chapter under Article IV, Use Regulations.
- (a) Clubhouses and community centers. [A use that provides meeting space and facilities for private, nonprofit associations or religious institutions. Examples include meeting halls, clubs, associations or community centers for homeowners' associations or neighborhoods. Such a use typically restricts access to the general public and owns, leases or holds property in common for the benefit of its members.]
- (b) Drive-through facilities. [Any service window, automated device or other facility that provides goods or services to individuals waiting in a motor vehicle.]
- (c) 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 or other storage with no facilities for mechanical services or repair of a commercial or public nature.]

- (d) Greenhouse. [A fully enclosed structure that houses plants and other vegetation for the sole purpose of growing vegetation noncommercially.]
- (e) Home occupations, **major:**[. An accessory use of a dwelling unit for commercial purposes that does not alter the exterior of the property or affect the residential character of the neighborhood, does not include an exterior sign or a sign in a window visible from the public right-of-way, does not employ any employees who do not live on the premises, and which occupies not more than 25% of the floor area of the residence. Beauty parlors, barbershops, medical and dental practices and hairdressing and manicuring establishments shall not be deemed to be home occupations.]

1. Such occupation is incidental to the residential use of the premises and is carried on in the main building and occupies no more than twenty-five percent of the floor area of the dwelling unit or no more than four hundred square feet of an accessory building;

2. Not more than two non-residents are employed;

3. Not more than two clients or customers can be on the premises at the same time;

4. The hours of operation shall be between 8:00 am and 7:00 pm; and

5. No outdoor storage in association with the business is permitted.

- (f) [Home-based businesses] **Home occupations. minor:**[. An accessory use of a dwelling unit for commercial purposes that is more intensive than a home occupation and that may include minor modifications to the building exterior and site in order to accommodate the commercial purpose, including a sign, which may employ not more than one employee who does not live in the residence, and which occupies not more than 25% of the floor area of the residence. Examples of home-based businesses include physicians, doctors, dentists, lawyers, architects, engineers, designers, music teachers, hairdressers, teachers, licensed real estate and/or insurance brokers and other similar professional uses.]

1. No display of goods shall be visible from the exterior of the building;

2. Such occupation is incidental to the residential use of the premises, is carried on in the main building, and occupies no more than ten per cent of the floor area of the dwelling unit or no more than four hundred square feet of an accessory building;

3. No non-resident employees, customers or clients enter the premises;

4. No outdoor storage in association with the business is permitted; and

5. Parking of any commercial vehicles shall comply with section 270-30(G).

- (g) Indoor storage. [The storage, but not display for sale, of goods and/or materials inside of a fully enclosed structure that is incidental but clearly related to the principal use of the site such as office- or retail-related uses.]

- (h) Off-street parking **shall be provided in addition to the required residential parking as set forth in Appendix C, Parking Requirements.** [and loading, accessory. Parking facilities that provide parking that is accessory to a specific use or uses and related to the parking requirements listed in Appendix C.]
- (i) Outdoor dining. [Food or beverage service areas outside of a fully enclosed structure as an accessory use to a permitted restaurant or bar or cocktail lounge use. Where a permit has been issued by the Board of Trustees, outdoor dining may be permitted on a public right-of-way such as a sidewalk (See Chapter 216, Sidewalk Cafes.)]
- (j) Outdoor storage. [The storage, but not display for sale, of goods and/or materials outside of a fully enclosed structure that is incidental but clearly related to the principal use of the site such as office- or retail-related uses. Outdoor storage shall be screened in accordance with the provisions of this chapter.]
- (k) Outdoor display. [Displays that are for sale that are a minor part of the retail business. Displays are typically seasonal.]
- (l) Tool shed. [The storage of materials or equipment that is incidental and subordinate to the primary residential use and must be located in a fully enclosed structure.]
- (m) Outdoor accessory recreation. [A recreation use/uses that may take place in any number of structures that are arranged together in an outdoor setting and has a surfaced or field area greater than 400 square feet. Examples include, but are not limited to, tennis, volleyball and basketball courts, soccer and baseball fields. [Added 8-2-2011 by L.L. No. 3-2011]]
- (n) Parking of any commercial vehicles shall comply with section 270-30(G).**
- (o) Off-street parking and loading, accessory**

Section 2. Chapter 270, section 270-15.1(B) (Zoning, Downtown and Croton Avenue Overlay Districts, Definitions) is deleted in its entirety.

Section 3. Chapter 270, section 270-11 (Zoning, MF-1 and MF-2 Multifamily Residence Districts is amended with new matter **underlined** and deleted matter in **[brackets]**).

§ 270-11 MF-1 and MF-2 Multifamily Residence Districts.

A. Purpose.

- (1) To accommodate the need for denser and more compact housing types in appropriate locations within the Village.
- (2) To maintain the character and scale of existing multifamily housing developments in the Village of Ossining consistent with the protection and promotion of public health, safety and general welfare.

B. Uses. Permitted principal, accessory, conditional and special permit uses in the MF-1 and MF-2 Districts shall be as provided in Appendix A.

1. The minimum livable floor area for each dwelling unit shall be six hundred (600) square feet for an efficiency or studio unit, seven hundred fifty (750) square feet for a one-bedroom unit, nine hundred (900) square feet for a two-bedroom unit and an additional three hundred fifty (350) square feet for each additional bedroom in units with three or more bedrooms.

C. Conditional uses.

(1) The following conditional uses shall be subject to the requirements set forth in §§ 270-26 and 270-51 and as set forth below:

(a) Cemeteries, places of worship, senior living facilities, elementary or secondary educational uses and higher learning educational uses are permitted, subject to the following:

[1] The minimum lot size shall be 3.0 acres.

[2] No building or part thereof or any parking or loading area shall be located within 75 feet of any street line or lot line.

[3] The sum of all areas covered by all principal and accessory buildings shall not exceed 30% of the lot area, and the sum of all areas covered by impervious surfaces shall not exceed 50% of the lot area.

[4] The maximum height shall not exceed either 35 feet or 2 1/2 stories.

(b) Parking uses, nonaccessory, shall meet the minimum lot area requirement for the district. No parking or loading area shall be located within 10 feet of any street line or lot line, and the Planning Board shall ensure appropriate screening of parking and loading areas.

(2) In addition to the conditional uses permitted in Appendix A, cluster development in accordance with § 270-36 shall be a permitted conditional use.

D. Additional accessory uses. In addition to the permitted accessory uses specified in Appendix A and the requirements found in § 270-26, the following are permitted accessory uses and requirements:

(1) Greenhouse, tool shed, subject to the requirements of § 270-27.

(2) Wading pool or swimming pool incidental to the residential use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33.

(3) Clubhouses and community centers constructed within a residential community for use by its residents, which shall be operated by a homeowners' association and subject to the requirements of § 270-27.

E. Bulk requirements.

- (1) Bulk requirements in the MF-1 and MF-2 Districts shall be as provided in Appendix B and subject to the additional requirements specified in this section and elsewhere in this chapter.
- (2) Multifamily dwellings shall be subject to the following requirements:
 - (a) The minimum distance between principal buildings shall be not less than 1.5 times the height of whichever building has a higher elevation at its highest point, or 25 feet, whichever is more.
 - (b) There shall be provided on the same lot suitably equipped and active landscaped recreation area(s) which shall constitute at least 25% of the required common open space, as approved by the Planning Board.
 - (c) No building shall exceed 160 feet in length.
- F. Parking requirements. Parking requirements in MF-1 and MF-2 Districts shall be as provided in Appendix C and subject to requirements specified elsewhere in this chapter.
- G. Affordable housing. An applicant for a residential use in the MF-1 and MF-2 Districts must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

Section 4. Chapter 270, section 270-14 (Zoning, NC-1 and NC-2 Neighborhood Center Districts) is amended with new matter underlined and deleted matter in **[brackets]**.

§ 270-14 NC-1 and NC-2 Neighborhood Center Districts.

- A. Purpose.
 - (1) To provide locations for neighborhood-serving businesses in close proximity to residential districts to minimize the need for travel to run daily errands and to protect and promote the health, safety and welfare of Village residents.
 - (2) To encourage neighborhood-serving businesses to cluster along designated corridors within the Village to promote business corridor identity and facilitate comparison shopping.
 - (3) To provide for a diverse range of housing types within neighborhood centers while retaining businesses as the main uses in NC Districts.
 - (4) To aid in the implementation of a parking strategy for each NC district to minimize the impacts of vehicular traffic in and around residential districts.
- B. Uses. Permitted principal, accessory, conditional and special permit uses in the NC Districts shall be as provided in Appendix A.
- C. Conditional uses. Residential dwelling units uses which are permitted as conditional uses shall be subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below:

- (1) Residential dwelling units shall only be permitted above nonresidential uses. No part of any residential unit shall be located on the ground floor, partially below ground or in a basement.
 - (2) Residential dwelling uses shall have a main entrance to the outside that is separate from any entrance used for nonresidential uses.
 - (3) The minimum [habitable] **livable** floor area for each dwelling unit shall be [450] **six hundred (600)** square feet for an efficiency or studio unit, [600] **seven hundred fifty (750)** square feet for a one-bedroom unit, [750] **nine hundred (900)** square feet for a two-bedroom unit and [250] **three hundred fifty (350)** additional square feet for each additional bedroom in units with three or more bedrooms.
- D. Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.
- E. Bulk requirements. Bulk requirements in the NC Districts shall be as provided in Appendix B and subject to the additional requirements specified in this section and elsewhere in this chapter.
- F. Parking requirements. Parking requirements in the NC Districts shall be as provided in Appendix C and subject to requirements specified elsewhere in this chapter.
- G. Affordable housing. An applicant for a residential use in the NC-1 or NC-2 Districts must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

Section 5. Chapter 270, section 270-15 (Zoning, VC Village Center District) is amended with new matter **underlined** and deleted matter in **[brackets]**.

§ 270-15 VC Village Center District.

- A. Purpose.
- (1) To preserve historic downtown Ossining as the center of Village life.
 - (2) To promote increased business activity in downtown Ossining by permitting uses and levels of intensity that are greater than elsewhere in the Village.
 - (3) To provide opportunities for residential uses in downtown Ossining to encourage street life during the day and evening.
- B. Permitted uses. Permitted principal, accessory, conditional and special permit uses in the VC District shall be as provided in Appendix A.

- C. Conditional uses. Residential dwelling uses which are permitted as conditional uses shall be subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below:
- (1) Residential dwelling units shall only be permitted above nonresidential uses. No part of any residential unit shall be located on the ground floor, partially below ground or in a basement.
 - (2) Residential dwelling uses shall have a main entrance to the outside that is separate from any entrance used for nonresidential uses.
 - (3) The minimum [habitable] **livable** floor area for each dwelling unit shall be [450] **six hundred (600)** square feet for an efficiency or studio unit, [600] **seven hundred fifty (750)** square feet for a one-bedroom unit, [750] **nine hundred (900)** square feet for a two-bedroom unit and [250] **three hundred fifty (350)** additional square feet for each additional bedroom in units with three or more bedrooms.
- D. Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.
- E. Bulk requirements. Bulk requirements in the VC District shall be as provided in Appendix B and subject to the additional requirements specified in this section and elsewhere in this chapter.
- F. Parking requirements. Parking requirements in the VC District shall be as provided in Appendix C and subject to requirements specified elsewhere in this chapter.
- G. Affordable housing. An applicant for a residential use in the VC District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

Section 6. Chapter 270, section 270-19 (Zoning, CDD Conservation Development District) is amended with new matter **underlined** and deleted matter in **[brackets]**.

§ 270-19 CDD Conservation Development District.

- A. Purpose.
- (1) To provide for development that is low density and will protect the aesthetics, natural resources and environmental features of the remaining undeveloped lands within the CDD District, including preserving natural features of development sites such as wetlands, steep slopes, hilltops, ridgelines, views to and from the Hudson River, trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value.
 - (2) Protecting the water quality of the streams and watercourses leading into the Hudson River, including fish, wildlife and natural vegetation; requiring the use of best management practices with respect to protection of water quality, stormwater management and erosion and sediment

control; minimizing construction on or regrading of steeply sloped areas; enhancing the aesthetics of these natural resources to the greatest extent practicable by protecting scenic views.

- B. Uses. Permitted principal, accessory, conditional and special permit uses in the CDD shall be as provided in Appendix A.
- C. Conditional uses. The following shall also be permitted conditional uses, subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below: Cemeteries, places of worship, senior living facilities, elementary or secondary educational uses and higher learning educational uses are permitted, subject to the following:
 - (1) The minimum lot size shall be 3.0 acres.
 - (2) No building or part thereof or any parking or loading area shall be located within 75 feet of any street line or lot line.
 - (3) The sum of all areas covered by all principal and accessory buildings shall not exceed 30% of lot area, and the sum of all areas covered by impervious surfaces shall not exceed 50% of the lot area.
 - (4) The maximum height shall not exceed either 35 feet or 2 1/2 stories.
- D. Additional accessory uses. In addition to the permitted accessory uses specified in Appendix A and the requirements found in § 270-26, the following are permitted accessory uses and requirements:
 - (1) Greenhouse, tool shed, subject to the requirements of § 270-27.
 - (2) Wading pool or swimming pool incidental to the residential use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33.
 - (3) Bars or taverns, indoor entertainment or recreation; provided, however, that they are an integral part of the primary use, the total square footage of such uses shall not constitute more than 30% of the building area and the site can accommodate any required additional parking.
 - (4) Clubhouses and community centers constructed within a residential community for the use by its residents, which shall be operated by a homeowners, co-op or condominium association. [Added 8-2-2011 by L.L. No. 3-2011]
- E. Parking requirements. Parking requirements in the CDD District shall be as provided in Appendix C and subject to requirements specified elsewhere in this chapter.
- F. Special provisions applicable to CDD.
 - (1) Deductions from developable land area. The land located in the CDD has been identified by the Comprehensive Plan and, if applicable, LWRP, as having unique, natural environmental features. In order to help preserve and conserve these features, the following lands shall be deducted from the

developable land area for the purposes of determining whether a development proposal complies with coverage, lot area and density requirements: Wetlands shall be deducted in their entirety.

- (2) Building width and open area. The total cumulative width of buildings, structures, solid fences and walls more than 36 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line substantially parallel to the Hudson River, and the maximum building width for each structure or building shall not be more than 75 feet measured along a line substantially parallel to the Hudson River. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the Planning Board approves more than one view corridor totaling 30%. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.
- (3) View corridor preservation. Views of the Hudson River and/or natural features, including forested lands that are identified by the Planning Board as important, shall be studied during site plan review. Site layout and design shall consider public views and view corridors and shall also consider the importance of views of the Village from the Hudson River. A view corridor analysis, including photo simulations showing the building(s) from public vantages identified by the Planning Board, shall be required. The visual impact of buildings or portions of buildings that can be seen from public streets or spaces shall be mitigated to the maximum extent practicable by reducing the height of the building, changing the design of the building or moving the structures to alternate locations on the site. Providing landscape screening is not an alternative to reducing building height or placement of the building in a less visible location. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.
- (4) Open space. Open space should be maximized. To the greatest extent reasonably practicable, any open space proposed on site plans of adjoining properties should be connected and coordinated.
- (5) Site analysis. The site plan applicant shall cause a site analysis to be prepared that shall demonstrate that the proposed application preserves and enhances the natural ecosystem on the site, including consideration of the elements listed below to the maximum extent practicable. Consideration shall be given to these elements independently and to the way they work together to form a natural ecosystem. Consideration shall also be given to historical and cultural elements that lend character to the site. The applicant shall demonstrate that the proposal incorporates the cultural heritage and community character of the Village of Ossining to the maximum extent practicable. The elements are:
 - (a) Streams and other water bodies.
 - (b) Forested uplands.
 - (c) Views of the Hudson River, forested uplands and other natural features from public rights-of-way.
 - (d) Wetlands, swamps and vernal pools.

- (e) Steep slopes and other hillsides.
 - (f) Potential pedestrian connections to RiverWalk, the Croton Aqueduct and existing neighborhoods.
 - (g) Archaeological sites and historical buildings.
 - (h) Habitat of threatened and endangered species.
- (6) The minimum [habitable] **livable** floor area for each dwelling unit in the CDD shall be [450] **six hundred (600)** square feet for an efficiency or studio unit, [600] **seven hundred fifty (750)** square feet for a one-bedroom unit, [750] **nine hundred (900)** square feet for a two-bedroom unit and [250] **three hundred fifty (350)** additional square feet for each additional bedroom in units with three or more bedrooms.
- G. Affordable housing. An applicant for a residential use in the CDD District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.
- H. Density bonus incentives.
- (1) An applicant may apply to the Planning Board for one or more density bonuses in exchange for providing amenities to the Village of Ossining. The Planning Board may, at its discretion and subject to the standards and considerations set forth below, grant density bonuses as set forth in Appendix B for developments in the CDD District in exchange for an applicant providing one or more of the following amenities:
- (a) Provision of a portion of publicly accessible RiverWalk: providing a portion of RiverWalk that shall contain a trailway having an average width of not less than 25 feet unless a lesser width is permitted by the Planning Board. The trailway shall not be less than 15 feet wide at any point except where space constraints require a reduction in width. The trailway shall consist principally of paved or wood surfaces, but may also include landscaped areas, sitting areas, benches, gazebos and suitable lighting facilities. The dimensions and location of the RiverWalk trailway may be negotiated with the Planning Board.
 - (b) Provision of public park or public open space: committing a significant portion of contiguous land to public park or public open space use, either by conveying the land to the Village for such purposes or by other means, such as covenants and deed restrictions. [Amended 8-2-2011 by L.L. No. 3-2011]
 - (c) Historic preservation: preserving a significant portion of a building(s) or structure(s) identified by the Planning Board and agreed to by the Historic Review Commission as being of historical, cultural or architectural significance.
 - (d) Use of green building techniques. After construction, the development would achieve LEED Gold certification or a similar level of standards. The Planning Board may modify the LEED certification level if the applicant is able to demonstrate that the particularities of the development warrant

modification due to site constraints or financial hardships that are directly related to the development of the project. At a minimum, the applicant would have to achieve LEED Silver certification or similar standard. An applicant pursuing a similar standard would have to demonstrate that the green building technologies being incorporated into the project are of similar or greater efficiency in water and energy usage and produce a carbon footprint that is similar or smaller than the LEED Gold certification.

- (e) Brownfields remediation. Environmental remediation work conducted on site that is not already substantially subsidized by state or other funding but is required in order for the development to take place.
 - (f) Contribution to non-site-related infrastructure improvements. As negotiated by the Planning Board, non-site-related improvements would be improvements that are not directly needed, required or related to the development of the proposed project but will be able to be utilized by the proposed project's residents or will indirectly improve the project or its site-related infrastructure. Infrastructure improvements may include sidewalk, street or water and sewer system improvements. This list is not exhaustive, and the Village Engineer may provide recommendations to the Planning Board.
 - (g) Provision of public artwork: incorporation of publicly accessible artwork, sculpture, monument or other permanent aesthetic structure on a development site or at a designated off-site location as negotiated by the Planning Board.
 - (h) Streambank restoration or stabilization: maximizing and facilitating streambank restoration or stabilization of tributaries of the Hudson River or other local streams.
- (2) The Planning Board shall grant a density bonus of 10% for each amenity offered, provided that the Planning Board finds that the amenity is proportional to such density bonus. Notwithstanding the foregoing, such bonus(es) shall not exceed the maximum number of dwelling units specified in Appendix B.
 - (3) The bonus permitted under this subsection is a bonus in permissible density only and does not authorize deviation from or enlargement of any bulk or lot coverage restrictions.
 - (4) In awarding a bonus for the amenities listed above, the Planning Board shall:
 - (a) Consider the incentives being proposed by the applicant and the degree to which the proposed amenity is compatible with the goals and objectives for the zoning district and the Village as a whole.
 - (b) Set forth, in detail, the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP, if applicable, and Comprehensive Plan, and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and/or historic qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community.

- (c) Set forth, in detail, the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus. The public benefit improvements provided shall be roughly proportional in nature and extent to the bonus granted, and their proportionality shall be demonstrated by the applicant and agreed to by the Planning Board. The cost of the improvements need not equal the value of the benefits granted.
- (5) The provision of public park or open space pursuant to § 270-19H(1)(b) shall not reduce the lot area for the purposes of determining allowable density. [Added 7-17-2012 by L.L. No. 5-2012]

Section 7. Chapter 270, section 270-20 (Zoning, SP-N Station Plaza North District) is amended with new matter underlined and deleted matter in **[brackets]**.

§ 270-20 SP-N Station Plaza North District.

A. Purpose.

- (1) To encourage mixed-use development on small properties near the Metro-North train station that will protect and promote the adaptive reuse of existing architecturally noteworthy buildings.
- (2) To increase business near the train station by permitting uses that promote activity around the train station.
- (3) To provide opportunities for residential uses downtown to encourage street life during the day and evening.

B. Uses. Permitted principal, accessory, conditional and special permit uses in the SP-N District shall be as provided in Appendix A.

C. Conditional uses. The following conditional uses shall be subject to the applicable requirements set forth in §§ 270-26 and 270-51 and as set forth below: All residential dwelling units shall be subject to the following requirements:

- (1) Residential dwelling units shall only be permitted above nonresidential uses. No part of any residential unit shall be located on the ground floor or in a basement.
- (2) Residential dwelling units shall have a main entrance to the outside that is separate from any entrance used for nonresidential uses.
- (3) The minimum [~~habitable~~] livable floor area for each dwelling unit shall be [~~450~~] six hundred (600) square feet for an efficiency or studio unit, [~~600~~] seven hundred fifty (750) square feet for a one-bedroom unit; [~~750~~] nine hundred (900) square feet for a two-bedroom unit; and [~~250~~] three hundred fifty (350) additional square feet for each additional bedroom in units with three or more bedrooms.

D. Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements: Applications for drive-through

facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.

- E. Bulk requirements. Bulk requirements in the SP-N District shall be as provided in Appendix B and subject to the additional requirements specified in this section and elsewhere in this chapter.
- F. Parking requirements. Parking requirements in the SP-N District shall be as provided in Appendix C and subject to requirements specified elsewhere in this chapter.
- G. Affordable housing. An applicant for a residential use in the SP-N District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.

Section 8. Chapter 270, section 270-22 (Zoning, RDD Riverfront Development District) is amended with new matter underlined and deleted matter in **[brackets]**.

§ 270-22 RDD Riverfront Development District.

- A. Purpose: to establish a carefully designed mixed-use development plan for the riverfront area that will implement the planning goals and objectives of the Comprehensive Plan and the Local Waterfront Revitalization Plan and protect the environment and public health, safety and general welfare of the community. This purpose will be achieved by:
 - (1) Permitting recreational, open space, commercial, business and residential uses that will benefit from and, in turn, enhance the unique aesthetic, recreational, historic and environmental qualities of the waterfront area.
 - (2) Providing amenities, services and attractions that will draw people to the riverfront and encourage public use and enjoyment of the area.
 - (3) Permitting and encouraging water-dependent and water-related uses of the area in a manner consistent with the vision and priorities expressed in the Comprehensive Plan and the Village's Local Waterfront Revitalization Plan (LWRP), if applicable.
 - (4) Maximizing opportunities for public ingress to, egress from, access to and enjoyment of the riverfront area and shoreline.
 - (5) Protecting the water quality of the streams and watercourses leading into the Hudson River, including fish, wildlife and natural vegetation.
 - (6) Protecting the sensitive aesthetic, recreational, historic and environmental features that exist in the waterfront.
 - (7) Preserving views of the Hudson River and Hudson Palisades for the maximum enjoyment and benefit by the community as a whole.

- (8) Encouraging the development of attractive, functional and appropriately scaled uses along the riverfront in a manner that will provide economic support for the Village while affirming the character of the Village as a locus of riverfront activity. Development or redevelopment should:
 - (a) Encourage a proper balance of water-oriented uses, including access to and enjoyment of the waterfront area that will be compatible with other waterfront uses and objectives detailed in the Comprehensive Plan and, if applicable, LWRP, and will encourage the overall development of the Village of Ossining.
 - (b) Encourage appropriate uses of this area to preserve and enhance mixed use of old industrial buildings that bring creative small businesses, artisans and entrepreneurs to the community and support the Village's economy.
 - (c) Bring people to the waterfront area and ensure appropriate density of development, both commercial and residential.
 - (d) Ensure appropriate location and screening of parking, utility installations and accessories, lighting and sign locations.
- B. Uses. Permitted principal, accessory, conditional and special permit uses in the RDD shall be as provided in Appendix A.
- C. Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements:
 - (1) Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.
 - (2) Wading pool or swimming pool incidental to the use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33. [Added 8-2-2011 by L.L. No. 3-2011]
 - (3) Clubhouses and community centers constructed within a residential community for the use by its residents, which shall be operated by a homeowners, co-op or condominium association. [Added 8-2-2011 by L.L. No. 3-2011]
- D. Bulk requirements. Bulk requirements in the RDD shall be as provided in Appendix B and subject to the additional requirements specified in this section and elsewhere in this chapter.
- E. Parking requirements. Parking requirements in the RDD District shall be as provided in Appendix C and subject to requirements specified elsewhere in this chapter.
- F. Special provisions applicable to the RDD.
 - (1) Calculating lot area. Land below the minimum high-water mark of the Hudson River shall not be deemed developable for the purposes of calculating lot area, density or coverage.

- (2) Riverfront setback. No building, structure, parking area or loading area shall be located within 50 feet of the more inland of: the normal high-water line of the Hudson River or, if present, the inland edge of a riprap or other embankment that runs parallel to the Hudson River channel, unless its design requires a location closer to such waterline, as determined by the Planning Board; provided, however, that the Planning Board shall not permit the distance to be any less than 25 feet. Said setback of 50 feet shall be derived by measuring the average distance from any building or structure to the more inland of the normal high-water line of the Hudson River or the inland edge of a riprap or other embankment, if present, that runs parallel to the Hudson River channel. In the case where it is demonstrated to the Planning Board that the setback area is necessary to be used for parking and loading purposes due to the nature of the parcel of land, the proposed use of land, site layout and design and that the use of the setback area shall not significantly negatively impact the Hudson River, or areas prone to flooding, the riverfront setback may be reduced further as agreed to by the Planning Board during site plan approval.
- (3) Open space and water-related activities. Open space and water related activities should be maximized. To the greatest extent reasonably practicable, any open space proposed on site plans of adjoining properties should be connected and coordinated.
- (4) Building width and open area. The total cumulative width of buildings, structures, solid fences and walls more than 36 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line substantially parallel to the Hudson River, and the maximum building width for each structure or building shall not be more than 75 feet measured along a line substantially parallel to the Hudson River. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the Planning Board approves more than one view corridor totaling 30%. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.
- (5) View corridor preservation. Views of the Hudson River and/or natural features, including forested lands that are identified by the Planning Board as important, shall be studied during site plan review. Site layout and design shall consider public views and view corridors and shall also consider the importance of views of the Village from the Hudson River. A view corridor analysis, including photo simulations showing the building(s) from public vantages identified by the Planning Board, shall be required. The visual impact of buildings or portions of buildings that can be seen from public streets or spaces shall be mitigated to the maximum extent practicable by reducing the height of the building, changing the design of the building or moving the structures to alternate locations on the site. Providing landscape screening is not an alternative to reducing building height or placement of the building in a less visible location. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.
- (6) The minimum [habitable] **livable** floor area for each dwelling unit shall be [450] **six hundred (600)** square feet for an efficiency or studio unit, [600] **seven hundred fifty (750)** square feet for a one-bedroom unit, [750] **nine hundred (900)** square feet for a two-bedroom unit and [250] **three**

hundred fifty (350) additional square feet for each additional bedroom in units with three or more bedrooms.

- (7) Planning Board factors for review. In addition to the considerations set forth in § 270-52, the Planning Board shall consider the following factors during its review of site plan applications for development within the RDD district:
 - (a) The proposed use and how it achieves the purposes outlined in Subsection A above. Mixed use is considered an important factor in creating a waterfront that will draw people, commercial businesses and public use and enjoyment.
 - (b) The quality and extent of views from the adjacent public streets and spaces through the property to the Hudson River.
 - (c) The design and relationship of development to the waterfront as viewed from the Hudson River.
 - (d) The design and function of any easement or other public access provided to the water's edge, including new bulkheading.
- G. Affordable housing. An applicant for a residential use in the RDD District must provide affordable housing pursuant to the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.
- H. Planned Waterfront and Railway Development (PWRD) Overlay.
 - (1) Policy. Among the goals of the Village of Ossining in creating and administering the PWRD use are the elimination of nonconforming uses, protection and encouragement of water-dependent and water-enhanced uses and promotion and development of mixed residential, retail, commercial and open space uses on the waterfront.
 - (a) This special permit use is created in furtherance of the Comprehensive Plan for the Village and the Local Waterfront Revitalization Program (LWRP), as amended, and the Main Street and Waterfront Plan by Christopher Chadbourne & Associates, September 1994, revised 1995.
 - (b) PWRD use and design controls are intended to enable the development of more desirable living and working environments than might otherwise be possible through the strict application of other sections of this chapter.
 - (c) It is the policy of the Village of Ossining that PWRD special permit approval will be granted by the Village Board, subject to the criteria and special requirements set forth below.
 - (2) Criteria for PWRD special permit approval:
 - (a) The minimum site area shall be three acres. Note: "Site area" shall be defined in accordance with Subsection H(6)(a).

- (b) The site shall have frontage on the Hudson River and be within 500 feet of a railroad station, in order to ensure the promotion, access and use of the waterfront while reducing the need for and impact of vehicular traffic. The five-hundred-foot distance shall be measured from the station or depot building and shall not be measured from station platforms, parking areas or other accessory structures or facilities. For purposes of this special permit use only, a site shall be deemed to have frontage on the Hudson River if it is contiguous to land owned by the Village which fronts on the Hudson River and which is to be improved by the applicant for public access in accordance with Subsection H(2)(c) below and an agreement made between the Village and the applicant.
- (c) At least 95% of the site frontage along the Hudson River shall be provided as permanent publicly accessible open space in the form of park areas, passive and/or active recreation areas, children's playgrounds, plazas, pedestrian promenades, boardwalks or other similar facilities. Said open space shall have a minimum depth of 20 feet measured from the bulkhead line, or mean high-water line if no bulkheading is present.
- (d) The site development plan shall provide that at least 50% of the gross project area be permanent publicly accessible open space, which shall incorporate all the Village's policies concerning waterfront access, especially park areas, pedestrian waterfront promenades, boardwalks or other similar facilities. For purposes of this special permit use only, the "gross project area" shall include any parcel of land contiguous to the site which is owned by the Village and which is to be improved by the applicant for public access in accordance with Subsection H(2)(c) above and an agreement made between the Village and the applicant.
- (e) The site development plan shall provide for unrestricted public access to the waterfront, subject to the terms herein:
 - [1] The site development plan shall provide for a mix of the uses set forth in Subsection H(2)(d) immediately below, in any ratio, provided that a minimum of 50% and a maximum of 97% of the building area shall be residential;
 - [2] At least 80% of the required parking must be provided in on-site structured parking;
 - [3] The applicant must demonstrate, to the satisfaction of the Village Board, that the requested density is justified by the costs of the proposal, including remediation costs associated with any environmental conditions on the site, proposed public space improvements, maintenance and security costs for the public space, the costs of structured parking and other similar factors;
 - [4] At least 10% of any residential units must be set aside as affordable housing units. "Affordable rental housing" means residential units which, for a period of not less than 25 years, shall be restricted to occupancy by households whose income is less than or equal to 80% of the Westchester County median income as determined by the United States Department of Housing and Urban Development, the rents or carrying charges of which may be met with 30% of the gross household income adjusted only for family size, excluding utilities. "Affordable sale housing" means residential units which, for a period of not less than 25 years, shall be restricted to occupancy by households whose income is less than or equal to 80% of the Westchester County

median income as determined by the United States Department of Housing and Urban Development, the purchase price of which shall not exceed three times the household income. Notwithstanding the foregoing, an applicant can satisfy the affordable housing requirement by the payment to the Village of a fee-in-lieu for each approved residential unit, the amount of such per unit fee-in-lieu to be determined from time to time by the Village Board; and

[5] All buildings must be designed to reduce impacts on views both to and from the Hudson River to the maximum extent practicable.

(3) Permitted uses.

(a) Restaurants other than drive-in restaurants;

(b) Parks and recreational facilities, including outdoor performing arts space, piers and docks, including kayak-launching ramps and related uses;

(c) Marinas, including related uses such as boat dockage, clubhouses, locker rooms, equipment sales, eating facilities and boat service facilities;

(d) Ferry services, commercial excursion and fishing charter facilities;

(e) Marine educational facilities;

(f) Retail and professional/personal service establishments;

(g) Fitness centers;

(h) New construction of multiple-dwelling units with up to three bedrooms per unit, including buildings for condominium, fee simple, cooperative or rental occupancy;

(i) Parking garage structures. With respect to the dimensions of the parking spaces in such a structure, notwithstanding the provisions of this chapter regarding off-street or parking lot dimension requirements, such requirements shall be:

[1] Minimum standard parking space size shall be 8.5 feet by 18 feet;

[2] Minimum compact parking space size shall be eight feet by 16 feet; and

[3] Minimum aisle width for two-way traffic shall be 22 feet.

(j) Public utility buildings or structures;

(k) Drinking establishments;

(l) Residential apartment buildings operated by the owner of a lower floor business; and

(m) Specifically prohibited are uses involving biochemical, biological or animal testing laboratories.

- (4) Accessory uses.
 - (a) Any use which is customarily incidental and subordinate to the principal use on the same lot;
 - (b) Signs accessory to an establishment located on the same lot, subject to the requirements of Appendix A; and
 - (c) Swimming pools.
- (5) Special requirements. Note: Notwithstanding the provisions of this or any other section of this subsection, the Village Board may waive or alter the provisions of this Subsection H(5) where such waiver or alteration is deemed to further the purposes of this section and the policy set forth in Subsection H(1).
 - (a) No building or part thereof shall be situated within five feet of any street line or lot line, except that this distance shall be increased to 50 feet where the building or part thereof abuts a residential district;
 - (b) The minimum distance between principal buildings shall not be less than 50 feet;
 - (c) All uses and activities which occur in the Hudson River (i.e., docks, disposal of waste) are subject to the regulations of this zone in addition to all other laws and regulations that may apply;
 - (d) No portion of land below the mean high-water mark can be counted into calculations of allowable density;
 - (e) New or expanded marinas shall include pump-out facilities and shall require that their clients utilize the same;
 - (f) Paved walkways for pedestrian access and/or emergency access shall be permitted within a buffer area adjacent to a watercourse; and
 - (g) The watercourse buffer required pursuant to § 270-28 of this chapter shall include any yard and setback requirements established herein.
- (6) Design standards.
 - (a) For purposes of this special permit use only, "site" shall be defined as the land under the ownership or control of the applicant, whether or not lot lines separate that tract of land, and whether or not any parcels within that tract of land are separately taxed, so long as all such parcels and/or lots are contiguous to one another;
 - (b) Maximum FAR (ratio of floor area of principal buildings, excluding any parking structures and/or mechanical/utility areas, to total land area of site): 1.5;
 - (c) Maximum net density for residential uses: 48 units per acre;

- (d) Maximum number of bedrooms per unit: three;
- (e) Maximum building height: 80 feet. For purposes of a PWRD, and notwithstanding anything to the contrary in this chapter, height of a building shall be measured from the average finished grade to the level of the highest point of the roof if the roof is flat or to the mean level between the eaves and the highest point of the roof if the roof is of any other type;
- (f) Parking:
 - [1] Residential uses: 1.5 spaces per dwelling unit;
 - [2] Nonresidential uses: 4.25 spaces per 1,000 square feet.
- (g) PWRDs, to the extent possible, shall maintain existing views of the Hudson River from adjoining and nearby properties and streets in the Village of Ossining. The applicant shall demonstrate this by providing computer simulations or models of the project, with views from both the Hudson River (to the east) and towards the Hudson River (to the west); and
- (h) All developments shall, where it is deemed reasonable, practicable and appropriate by the permitting authority, provide:
 - [1] Continuous and improved pedestrian access along or through the site;
 - [2] Improved public access along the water's edge, including pedestrian walkways, open space areas and promenades. Where necessary for security purposes, reasonable restrictions on all publicly accessible open space may be imposed by the Village Board in accordance with similar restrictions placed upon other Village-owned public recreational/open areas; and
 - [3] Uses open to the public, such as restaurants, shops or marinas.
- (7) Determination of density.
 - (a) For purposes of determining allowable density, the area of the site shall be calculated in accordance with Subsection H(6)(a);
 - (b) The transfer of real property interests to the municipality within the rezoned site shall not reduce the site area for purposes of determining allowable density, provided that said transfer occurs after approval of the project has been granted; and
 - (c) Municipal or private easements or rights-of-way within the site shall not be deducted from the site area for the purpose of calculating the allowable density.
- (8) Application for site development plan approval. The procedure for submission, review and approval of a site development plan for this use shall be in accordance with the procedures and standards set forth in § 270-52 thereof, except that the approval authority for the site development plan shall be the Village Board.

Section 9. Chapter 270, section 270-23 (PW Planned Waterfront Districts) is amended with new matter underlined and deleted matter in **[brackets]**.

§ 270-23 PW Planned Waterfront Districts.

- A. Purpose: to establish a carefully designed mixed-use development plan for the waterfront area that will implement the planning goals and objectives of the Comprehensive Plan, and the Local Waterfront Revitalization Plan, and protect and promote the environment and public health, safety and general welfare of the community. This purpose will be achieved by:
- (1) Permitting recreational, open space, commercial, business and residential uses that will benefit from and, in turn, enhance the unique aesthetic, recreational, historic and environmental qualities of the waterfront area.
 - (2) Providing amenities, services and attractions that will draw people to the riverfront and encourage public use and enjoyment of the area.
 - (3) Protecting the water quality of the streams and watercourses leading into the Hudson River, including fish, wildlife and natural vegetation; requiring the use of best management practices with respect to protection of water quality, stormwater management and erosion and sediment control; minimizing construction on or regrading of steeply sloped areas; enhancing the aesthetics of these natural resources to the greatest extent feasible by protecting scenic views.
 - (4) Protecting the sensitive aesthetic, recreational, historic and environmental features that exist in the waterfront.
 - (5) Preserving views of the Hudson River and Hudson Palisades for maximum enjoyment and benefit by the community as a whole.
 - (6) Encouraging the development of attractive, functional and appropriately scaled uses along the riverfront in a manner that will provide economic support for the Village while affirming the character of the Village as a locus of riverfront activity. Development or redevelopment should:
 - (a) Encourage appropriate uses of this area to preserve and enhance mixed use of old industrial buildings that bring creative small businesses, artisans and entrepreneurs to the community and support the Village's economy.
 - (b) Bring people to the waterfront area and ensure appropriate density of development, both commercial and residential.
 - (c) Ensure appropriate location and screening of parking, utility installations and accessories, lighting and sign locations.
 - (d) Provide means of various housing opportunities that help meet the needs of the community, including affordable housing and senior citizen housing.

- B. Uses. Permitted principal, accessory, conditional and special permit uses in the Planned Waterfront Districts shall be as provided in Appendix A.
- C. Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements:
 - (1) Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.
 - (2) Wading pool or swimming pool incidental to the use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33. [Added 8-2-2011 by L.L. No. 3-2011]
 - (3) Clubhouses and community centers constructed within a residential community for the use by its residents, which shall be operated by a homeowners, co-op or condominium association. [Added 8-2-2011 by L.L. No. 3-2011]
- D. Bulk requirements. Bulk requirements in the Planned Waterfront Districts shall be as provided in Appendix B and subject to the additional requirements specified in this section and elsewhere in this chapter.
- E. Parking requirements. Parking requirements in the Planned Waterfront Districts shall be as provided in Appendix C and subject to requirements specified elsewhere in this chapter.
- F. Special provisions applicable to Planned Waterfront Districts.
 - (1) Open space. Open space should be maximized. To the greatest extent reasonably practicable, any open space proposed on site plans of adjoining properties should be connected and coordinated.
 - (2) Building width and open area. The total cumulative width of buildings, structures, solid fences and walls more than 36 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line substantially parallel to the Hudson River, and the maximum building width for each structure or building shall not be more than 75 feet measured along a line substantially parallel to the Hudson River. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the Planning Board approves more than one view corridor totaling 30%. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.
 - (3) View corridor preservation. Views of the Hudson River and/or natural features, including forested lands that are identified by the Planning Board as important, shall be studied during site plan review. Site layout and design shall consider public views and view corridors and shall also consider the importance of views of the Village from the Hudson River. A view corridor analysis including photo simulations showing the building(s) from public vantages identified by the Planning Board, shall be required. The visual impact of buildings or portions of buildings that can be seen from

public streets or spaces shall be mitigated to the maximum extent practicable by reducing the height of the building, changing the design of the building or moving the structures to alternate locations on the site. Providing landscape screening is not an alternative to reducing building height or placement of the building in a less visible location. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

- (4) The site plan applicant shall cause a site analysis to be prepared that shall demonstrate that the proposed application preserves and enhances the natural ecosystem on the site, including consideration of the elements listed below, to the maximum extent practicable. Consideration shall be given to these elements independently and to the way they work together to form a natural ecosystem. Consideration shall also be given to historical and cultural elements that lend character to the site. The applicant shall demonstrate that the proposal incorporates the cultural heritage and community character of the Village of Ossining to the maximum extent practicable. The elements are:
 - (a) Streams and other water bodies.
 - (b) Forested uplands.
 - (c) Views of the Hudson River, forested uplands and other natural features from public rights-of-way.
 - (d) Wetlands, swamps and vernal pools.
 - (e) Steep slopes and other hillsides.
 - (f) Potential pedestrian connections to RiverWalk, the Croton Aqueduct and existing neighborhoods.
 - (g) Archaeological sites and historical buildings.
 - (h) Habitat of threatened and endangered species.
 - (5) The minimum [habitable] **livable** floor area for each dwelling unit in the PW District shall be [450] **six hundred (600)** square feet for an efficiency or studio unit, [600] **seven hundred fifty (750)** square feet for a one-bedroom unit, [750] **nine hundred (900)** square feet for a two-bedroom unit and [250] **three hundred fifty (350)** additional square feet for each additional bedroom in units with three or more bedrooms.
- G. Subdistricts.
- (1) There shall be three established subdistricts within the Planned Waterfront District:
 - (a) PW-a: Northern Waterfront Subdistrict.
 - (b) PW-b: Central Waterfront — Transit-Oriented Subdistrict.
 - (c) PW-c: Central Waterfront — Hillside Subdistrict.

- (2) The permitted uses and bulk requirements may differ among the districts and are set forth in Appendixes A and B. The subdistricts shall be mapped on the Village Zoning Map.
- H. Affordable housing. An applicant for a residential use in the Planned Waterfront District, or any subdistrict thereof, must provide affordable housing pursuant to the requirements of Chapter 62, Affordable Housing.
- I. Planned Waterfront special permit:
- (1) Purpose. Numerous contiguous lots in the Planned Waterfront District have common ownership, but are not officially assembled. Keeping those properties in common ownership will help promote the objectives of the waterfront zoning by allowing greater flexibility in site plans. These larger sites will be able to accommodate additional densities and provide more amenities to the Village than smaller, separate lots would be able to provide. Developing a planned waterfront will further the objectives outlined in the Comprehensive Plan by promoting assemblages of parcels that create opportunities for transit-oriented development surrounding the Metro-North station and Ossining Dock by in-filling parcels with diverse land uses. The purpose of this subsection is to allow the granting of a special permit that, in exchange for the provision of certain amenities, will allow increased densities for particular developments meeting the criteria below.
 - (2) Eligibility. Applications can be made for a special permit allowing for increased density in the Planned Waterfront Districts based on the procedures outlined in Article XI for parcels comprised of at least three acres. Contiguous or adjacent lots (even if separated by a public road) where the aggregate area of such lots is at least three acres and development of such lots is proposed in one integrated site plan shall qualify for such special permit.
 - (3) As part of the site plan for the planned development, the applicant must include the following:
 - (a) Lots under the same ownership that are part of this special permit application shall be combined and considered as one lot.
 - (b) Provision of at least one amenity pursuant to Subsection I(4) immediately below.
 - (c) Provision of affordable housing pursuant to the requirements of the Affordable Housing Law of the Village of Ossining, Chapter 62, Affordable Housing.
 - (4) Density bonus incentives. An applicant may apply to the Planning Board for one or more density bonuses in exchange for providing amenities to the Village of Ossining. The Planning Board may, at its discretion and subject to the standards and considerations set forth below, grant density bonuses as set forth in Appendix B for developments in the PW District in exchange for an applicant providing one or more of the following amenities:
 - (a) Provision of a portion of publicly accessible RiverWalk: providing a portion of RiverWalk that shall contain a trailway having an average width of not less than 25 feet, unless a lesser width is permitted by the Planning Board. The trailway shall not be less than 15 feet wide at any point except where space constraints require a reduction in width. The trailway shall consist principally

of paved or wood surfaces, but may also include landscaped areas, sitting areas, benches, gazebos and suitable lighting facilities. The dimensions and location of the RiverWalk trailway may be negotiated with the Planning Board.

- (b) Provision of public park or public open space: committing a significant portion of contiguous land to public park or public open space use, either by conveying the land to the Village for such purposes or by other means such as covenants and deed restrictions. [Amended 8-2-2011 by L.L. No. 3-2011]
 - (c) Historic preservation: preserving a significant portion of a building(s) or structure(s) identified by the Planning Board and agreed to by the Historic Review Commission as being of historical, cultural or architectural significance.
 - (d) Use of green building techniques. After construction, the development would achieve LEED Gold certification or a similar level of standards. The Planning Board may modify the LEED certification level if the applicant is able to demonstrate that the particularities of the development warrant modification due to site constraints or financial hardships that are directly related to the development of the project. At a minimum, the applicant would have to achieve LEED Silver certification or similar standard. An applicant pursuing a similar standard would have to demonstrate that the green building technologies being incorporated into the project are of similar or greater efficiency in water and energy usage and produce a carbon footprint that is similar or smaller than the LEED Gold certification.
 - (e) Brownfields remediation: environmental remediation work conducted on site that is not already substantially subsidized by state or other funding but is required in order for the development to take place.
 - (f) Contribution to non-site-related infrastructure improvements. As negotiated by the Planning Board, non-site-related improvements would be improvements that are not directly needed, required or related to the development of the proposed project but will be able to be utilized by the proposed project's residents or will indirectly improve the project or its site-related infrastructure. Infrastructure improvements may include sidewalk, street or water and sewer system improvements. This list is not exhaustive, and the Village Engineer may provide recommendations to the Planning Board.
 - (g) Provision of public artwork: incorporation of publicly accessible artwork, sculpture, monument or other permanent aesthetic structure on a development site or at a designated off-site location as negotiated by the Planning Board.
 - (h) Streambank restoration or stabilization: maximizing and facilitating streambank restoration or stabilization of tributaries of the Hudson River or other local streams.
- (5) The Planning Board shall grant a density bonus of 10% for each amenity offered, provided that the Planning Board finds that the amenity is proportional to such density bonus. Notwithstanding the foregoing, such bonus(es) shall not exceed the maximum number of dwelling units specified in Appendix B.

- (6) The bonus permitted under this subsection is a bonus in permissible density only and does not authorize deviation from or enlargement of any bulk or lot coverage restrictions.
- (7) In awarding a bonus for the amenities listed above, the Planning Board shall:
 - (a) Consider the incentives being proposed by the applicant and the degree to which the proposed amenity is compatible with the goals and objectives for the zoning district and the Village as a whole.
 - (b) Set forth, in detail, the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP, if applicable, and Comprehensive Plan, and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and/or historic qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community;
 - (c) Set forth, in detail, the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus. The public benefit improvements provided shall be roughly proportional in nature and extent to the bonus granted, and their proportionality shall be demonstrated by the applicant and agreed to by the Planning Board. The cost of the improvements need not equal the value of the benefits granted.
- (8) The provision of public park or public open space pursuant to § 270-231(4)(b) shall not reduce the lot area for the purposes of determining allowable density. [Added 7-17-2012 by L.L. No. 5-2012]

Section 10. Chapter 270, section 270-24 (Zoning, IR Institutional/Redevelopment District) is amended with new matter underlined and deleted matter in **[brackets]**.

§ 270-24 IR Institutional/Redevelopment District.

- A. Purpose. To establish a carefully designed mixed-use redevelopment plan for the Sing Sing Correctional Facility area that will implement the planning goals and objectives of the Comprehensive Plan and the Local Waterfront Revitalization Plan and protect the environment and public health, safety and general welfare of the community. This purpose will be achieved by:
 - (1) Permitting recreational, open space, commercial, business and residential uses that will benefit from and, in turn, enhance the unique aesthetic, recreational, historic and environmental qualities of the waterfront area.
 - (2) Providing amenities, services and attractions that will draw people to the riverfront and encourage public use and enjoyment of the area.
 - (3) Permitting and encouraging water-dependent and water-related uses of the area in a manner consistent with the vision and objectives expressed in the Village's Comprehensive Plan and, if applicable, the Local Waterfront Revitalization Plan (LWRP).

- (4) Maximizing opportunities for public ingress to, egress from, access to and enjoyment of the riverfront area and shoreline.
- (5) Protecting the water quality of the streams and watercourses leading into the Hudson River, including fish, wildlife and natural vegetation.
- (6) Protecting the sensitive aesthetic, recreational, historic and environmental features that exist in the waterfront.
- (7) Preserving views of the Hudson River and Hudson Palisades for maximum enjoyment and benefit by the community as a whole.
- (8) Encouraging the development of attractive, functional and appropriately scaled uses along the riverfront in a manner that will provide economic support for the Village while affirming the character of the Village as a locus of riverfront activity. Development or redevelopment should:
 - (a) Encourage a proper balance of water-oriented uses, including access to and enjoyment of the waterfront area, that will be compatible with other waterfront uses and objectives and will encourage the overall development of Ossining.
 - (b) Encourage appropriate uses of this area to preserve and enhance mixed use of old institutional buildings that could bring creative small businesses, artisans and entrepreneurs to the community and support the Village's economy.
 - (c) Bring people to the waterfront area and ensure appropriate density of development, both commercial and residential.
 - (d) Ensure appropriate location and screening of parking, utility installations and accessories, lighting and sign locations.
- B. Uses. Permitted principal, accessory, conditional and special permit uses in the IR District shall be as provided in Appendix A.
- C. Accessory uses. In addition to the requirements found in § 270-26, the following permitted accessory uses shall be subject to the following requirements:
 - (1) Applications for drive-through facilities, outdoor dining, outdoor storage or outdoor displays must present a plan to be approved by the Planning Board as part of the site plan review process for the location, lighting, appropriate screening and hours of operation for such uses.
 - (2) Wading pool or swimming pool incidental to the use on the premises and not operated for gain, provided that any swimming pool shall be subject to the requirements of § 270-32 or § 270-33. [Added 8-2-2011 by L.L. No. 3-2011]
 - (3) Clubhouses and community centers constructed within a residential community for the use by its residents, which shall be operated by a homeowners, co-op or condominium association. [Added 8-2-2011 by L.L. No. 3-2011]

- D. Bulk requirements. Bulk requirements in the IR District shall be as provided in Appendix B and subject to the additional requirements specified in this section and elsewhere in this chapter.
- E. Parking requirements. Parking requirements in the IR District shall be as provided in Appendix C and subject to requirements specified elsewhere in this chapter.
- F. Special provisions applicable to the IR District.
 - (1) Calculating lot area. Land below the minimum high-water mark of the Hudson River shall not be deemed developable for the purposes of calculating lot area, density or coverage.
 - (2) Riverfront setback. No building or structure shall be located within 50 feet of the more inland of: the normal high-waterline of the Hudson River or, if present, the inland edge of a riprap or other embankment, unless its design requires a location closer to such waterline, as determined by the Planning Board; provided, however, that the Planning Board shall not permit the distance to be any less than 25 feet. Said setback of 50 feet shall be derived by measuring the average distance from any building or structure to the more inland of the normal high-water line of the Hudson River or the inland edge of a riprap or other embankment, if present, except that no part of any building or structure shall be closer than 25 feet to the more inland of the normal high-water line or the inland edge of a riprap or other embankment, if present. No parking or loading area shall be situated within such setback.
 - (3) Open space and water-related activities. Open space and water-related activities should be maximized. Where possible, any open space proposed on site plans of adjoining properties should be connected and coordinated.
 - (4) Building width and open area. The total cumulative width of buildings, structures, solid fences and walls more than 36 inches in height shall not occupy more than 50% of the width of a parcel as measured along a line substantially parallel to the Hudson River, and the maximum building width for each structure or building shall not be more than 75 feet measured along a line substantially parallel to the Hudson River. Of the remaining open area, one uninterrupted space shall be at least 30% of such parcel width, unless the Planning Board approves more than one view corridor totaling 30%. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.
 - (5) View corridor preservation. Views of the Hudson River and/or natural features, including forested lands that are identified by the Planning Board as important shall be studied during site plan review. Site layout and design shall consider public views and view corridors and shall also consider the importance of views of the Village from the Hudson River. A view corridor analysis, including photo simulations showing the building(s) from public vantages identified by the Planning Board, shall be required. The visual impact of buildings or portions of buildings that can be seen from public streets or spaces shall be mitigated to the maximum extent practicable by reducing the height of the building, changing the design of the building or moving the structures to alternate locations on the site. Providing landscape screening is not an alternative to reducing building

height or placement of the building in a less visible location. Excluded are existing Village of Ossining designated historical buildings or any parcel or structure that is deemed by the Planning Board as irrelevant to preserving view corridors either to or from the Hudson River.

- (6) Site analysis. The site plan applicant shall cause a site analysis to be prepared that shall demonstrate that the proposed application preserves and enhances the natural ecosystem on the site, including consideration of the elements listed below, to the maximum extent practicable. Consideration shall be given to these elements independently and to the way they work together to form a natural ecosystem. Consideration shall also be given to historical and cultural elements that lend character to the site. The applicant shall demonstrate that the proposal incorporates the cultural heritage and community character of the Village of Ossining to the maximum extent practicable. The elements are:
 - (a) Streams and other water bodies.
 - (b) Forested uplands.
 - (c) Views of the Hudson River, forested uplands and other natural features from public rights-of-way.
 - (d) Wetlands, swamps and vernal pools.
 - (e) Steep slopes and other hillsides.
 - (f) Potential pedestrian connections to RiverWalk, the Croton Aqueduct and existing neighborhoods.
 - (g) Archaeological sites and historical buildings.
 - (h) Habitat of threatened and endangered species.
- (7) The minimum [habitable] **livable** floor area for each dwelling unit in the IR District shall be [450] **six hundred (600)** square feet for an efficiency or studio unit, [600] **seven hundred fifty (750)** square feet for a one-bedroom unit, [750] **nine hundred (900)** square feet for a two-bedroom unit and [250] **three hundred fifty (350)** additional square feet for each additional bedroom in units with three or more bedrooms.
- G. Affordable housing. An applicant for a residential use in the IR District must provide affordable housing pursuant to the requirements of Chapter 62, Affordable Housing.
- H. Density bonus incentives.
 - (1) An applicant may apply to the Planning Board for one or more density bonuses in exchange for providing amenities to the Village of Ossining. The Planning Board may, at its discretion and subject to the standards and considerations set forth below, grant density bonuses as set forth in Appendix B for developments in the IR District in exchange for an applicant providing one or more of the following amenities:

- (a) Provision of a portion of publicly accessible RiverWalk: providing a portion of RiverWalk that shall contain a trailway having an average width of not less than 25 feet, unless a lesser width is permitted by the Planning Board. The trailway shall not be less than 15 feet wide at any point except where space constraints require a reduction in width. The trailway shall consist principally of paved or wood surfaces, but may also include landscaped areas, sitting areas, benches, gazebos and suitable lighting facilities. The dimensions and location of the RiverWalk trailway may be negotiated with the Planning Board.
- (b) Provision of public park or public open space: committing a significant portion of contiguous land to public park or public open space use, either by conveying the land to the Village for such purposes or by other means, such as covenants and deed restrictions. [Amended 8-2-2011 by L.L. No. 3-2011]
- (c) Historic preservation: preserving a significant portion of a building(s) or structure(s) identified by the Planning Board and agreed to by the Historic Review Commission as being of historical, cultural or architectural significance.
- (d) Use of green building techniques. After construction, the development would achieve LEED Gold certification or a similar level of standards. The Planning Board may modify the LEED certification level if the applicant is able to demonstrate that the particularities of the development warrant modification due to site constraints or financial hardships that are directly related to the development of the project. At a minimum, the applicant would have to achieve LEED Silver certification or similar standard. An applicant pursuing a similar standard would have to demonstrate that the green building technologies being incorporated into the project are of similar or greater efficiency in water and energy usage and produce a carbon footprint that is similar or smaller than the LEED Gold certification.
- (e) Brownfields remediation: environmental remediation work conducted on site that is not already substantially subsidized by state or other funding but is required in order for the development to take place.
- (f) Contribution to non-site-related infrastructure improvements. As negotiated by the Planning Board, non-site-related improvements would be improvements that are not directly needed, required or related to the development of the proposed project but will be able to be utilized by the proposed project's residents or will indirectly improve the project or its site-related infrastructure. Infrastructure improvements may include sidewalk, street or water and sewer system improvements. This list is not exhaustive, and the Village Engineer may provide recommendations to the Planning Board.
- (g) Provision of public artwork: incorporation of publicly accessible artwork, sculpture, monument or other permanent aesthetic structure on a development site or at a designated off-site location as negotiated by the Planning Board.
- (h) Streambank restoration or stabilization: maximizing and facilitating streambank restoration or stabilization of tributaries of the Hudson River or other local streams.

- (2) The Planning Board shall grant a density bonus of 10% for each amenity offered, provided that the Planning Board finds that the amenity is proportional to such density bonus. Notwithstanding the foregoing, such bonus(es) shall not exceed the maximum number of dwelling units specified in Appendix B.
- (3) The bonus permitted under this subsection is a bonus in permissible density only and does not authorize deviation from or enlargement of any bulk or lot coverage restrictions.
- (4) In awarding a bonus for the amenities listed above, the Planning Board shall:
 - (a) Consider the incentives being proposed by the applicant and the degree to which the proposed amenity is compatible with the goals and objectives for the zoning district and the Village as a whole.
 - (b) Set forth, in detail, the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP, if applicable, and Comprehensive Plan, and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and/or historic qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community.
 - (c) Set forth, in detail, the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus. The public benefit improvements provided shall be roughly proportional in nature and extent to the bonus granted and their proportionality shall be demonstrated by the applicant and agreed to by the Planning Board. The cost of the improvements need not equal the value of the benefits granted.
- (5) The provision of public park or public open space pursuant to § 270-24H(1)(b) shall not reduce the lot area for the purposes of determining allowable density. [Added 7-17-2012 by L.L. No. 5-2012]

Section 11. Chapter 270, Appendix A, Table A-1 (Zoning, Use Tables, Permitted, conditional and special permit uses in Business and Mixed-Use Districts and Planned Waterfront Subdistricts) is amended with new matter **bolded** and deleted matter in **[brackets]**.

Principal Uses- Commercial Use Group

Bar, tap or tasting room [or tavern] uses. Conditional use in the PC, NC-1, NC-2, VC, SP-N, SP-S, RDD, IR, PW-a, PW-b, and PW-c zoning districts.

[office uses, live work]

Home Occupation, major. Permitted use in the NC-1, NC-2 and VC zoning districts. Conditional use in the SP-N, CDD, RDD, IR, PW-a, PW-b, and PW-c zoning districts. Not permitted in the SP-S zoning district.

Home Occupation, minor. Permitted use in the NC-1, NC-2, VC and SP-N zoning districts. Conditional use in the CDD, RDD, IR, PW-a, PW-b and PW-c zoning districts. Not permitted in the SP-S zoning district.

Section 12. Chapter 270, Appendix A, Table A-2 (Zoning, Use Tables, Permitted, Conditional, and Special Permit principal and Accessory Uses in Residential Districts) is amended with new matter **bolded** and deleted matter in **[brackets]**.

Principal Uses- Commercial Use Group

Bars, tap or tasting room uses [or tavern uses].

[Office uses, live work]

Home occupations, major. Conditional use in S-125, S-100, S-75, S-50, T, MF-1, MF-2, PO and PRD zoning districts.

Home occupations, minor. Permitted uses in the S-125, S-100, S-75, S-50, T, MF-1, MF-2, PO and PRD zoning districts.

Section 13. Chapter 270, Appendix B, Table B-1 (Zoning, Bulk Regulations, Bulk Regulations for Business and Mixed-Use Districts) is amended with the following addition:

Minimum Livable Floor Area (Square Feet)

Studio or Efficiency Apartment- 600 in the PC, NC-1, NC-2, VC, SP-N, CDD, RDD and IR zoning districts.

One-bedroom apartment- 750 in the PC, NC-1, NC-2, VC, SP-N, CDD, RDD and IR zoning districts.

Two-bedroom apartment- 900 in the PC, NC-1, NC-2, VC, SP-N, CDD, RDD and IR zoning districts.

Additional square feet for each additional bedroom- 350 in the PC, NC-1, NC-2, VC, SP-N, CDD, RDD and IR zoning districts.

Section 14. Chapter 270, Appendix B, Table B-2 (Zoning, Bulk Regulations, Bulk Regulations for Residential Districts) is amended with the following new matter added in **bold** and deleted matter in **[brackets]**.

Minimum livable floor area per dwelling unit (Square feet)

Studio or Efficiency Apartment- 600 [450] in the MF-1 and MF-2 zoning districts.

One-bedroom Apartment- 750 [600] in the MF-1 and MF-2 zoning districts.

Two-bedroom Apartment- 900 [750] in the MF-1 and MF-2 zoning districts.

Additional square feet for each additional bedroom- 350 [250] in the MF-1 and MF-2 zoning districts.

Section 15. Chapter 270, Appendix B, Table B-3 (Zoning, Bulk Regulations, Bulk Regulations for Planned Waterfront Subdistricts) is amended as follows with the following addition:

Minimum Livable Floor Area (Square Feet)

Studio or Efficiency Apartment- 600 in the PW-a, PW-b and PW-c zoning subdistricts.

One-bedroom apartment- 750 in the PW-a, PW-b and PW-c zoning subdistricts.

One-bedroom apartment- 750 in the PW-a, PW-b and PW-c zoning subdistricts.

Two-bedroom apartment- 900 in the PW-a, PW-b and PW-c zoning subdistricts.

Additional square feet for each additional bedroom- 350 in the PW-a, PW-b and PW-c zoning subdistricts.

Section 16. Chapter 270, Appendix C, Table C-1, C-2 and C-3 (Zoning, Parking Requirements, Parking Requirements in the PC, NC-1, NC-2, GB, CDD, O-R and IR Districts; VC, RDD, SP-N, SP-S and Planned Waterfront Districts; S, T and PO districts; and MF-1, MF-2 and PRD districts) is amended with new matter added in **bold** and deleted matter in **[brackets]**.

Residential Use Group	Minimum Spaces
Residential Dwelling Units	
Studio or Efficiency Apartment	1.0 [1.25] spaces per unit
One-bedroom apartment	1.5 spaces per unit
Two or more bedrooms	2 spaces per unit.

Section 13. Effective Date

This local law shall become effective upon filing with the Secretary of State as required by law.