

**VILLAGE OF CROTON-ON-HUDSON
BOARD OF TRUSTEES**

LOCAL LAW INTRODUCTORY NO. 2-2022

**A LOCAL LAW TO AMEND CHAPTER 230 ZONING OF THE CODE OF THE
VILLAGE OF CROTON-ON-HUDSON TO ESTABLISH USE AND
BULK/AREA REGULATIONS PERTAINING TO THE
NORTH END GATEWAY DISTRICT**

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section One. Section 230-20.3B. Special Permit Uses in the Gateway Areas shall be amended by adding new subsection 230-20.3B(5) to read as follows:

(5) In the North End Gateway District area on any lot where the underlying zoning is Limited Office O-1 district, multi-family residential buildings and mixed use buildings shall be permitted by special permit of the Village Board of Trustees, subject to the following requirements and criteria and to the requirements/criteria contained in Article X of this chapter:

(a) Notwithstanding any other provision of this chapter to the contrary, for the purposes of this section, "mixed use" shall mean a combination in one building of residential dwelling units and other permitted and/or special permit uses, including, but not limited to retail stores and banks, personal service establishments, and business and professional offices, and showrooms; provided, however:

[1] At least 50% of the area of the first floor of any mixed use building must be used for nonresidential use. Residential uses may not be located in the portion of a building's first floor which is immediately inside the building's front facade, it being the intention of this chapter that first floor front building facades, and the building areas immediately inside first floor front building facades, will be used for nonresidential purposes. It is the further intention of this law that any first floor residential space will be located "behind" first floor nonresidential space as viewed from the street/sidewalk adjacent to the building front. For the purpose of this subsection, buildings located on street corners shall be deemed to have building fronts on each of the intersecting streets which form the street corner.

[2] There shall be no percentage restrictions on the amount of residential versus nonresidential space on the second or third floor of a mixed-use building.

[3] Residential dwelling units may be studios, one-bedroom units and two-bedroom units only.

(b) Notwithstanding any provisions of § 230-20.4 or any other provisions of this chapter to the contrary, the following area and bulk regulations shall apply to mixed use and multi-family residential buildings in the North End Gateway area overlaying the Limited Office O-1 district. To the extent that contrary area/bulk regulations are not specified in this subsection, they shall be as otherwise provided in this Code:

[1] Maximum floor area ratio (FAR) shall be 0.8.

[2] Maximum height shall be 35 feet/three stories.

[3] The Village Board shall have the authority in conducting special permit review to reduce or waive yard setback requirement(s) of the underlying zone, provided that there is otherwise adequate access to parking areas, and provided that one or more of the following criteria are met:

[a] Reducing the setback(s) will facilitate more parking to be provided in the rear of the building than would otherwise be the case.

[b] Reducing the setback(s) will facilitate the interconnection of rear parking lots with those on adjoining properties.

[c] Reducing the setback(s) will contribute to the building forming a more unified, cohesive streetscape with existing or proposed buildings on other properties in the North End Gateway District than would otherwise be the case.

[4] In accordance with the general provisions of this chapter, corner lots shall be deemed to have front yards on each of the intersecting streets which form the corner and the front yard on a Village street shall be 50 feet.

(c) In addition to the requirements set forth in § 230-48 or any other provisions of this chapter, at least one Affordable Affirmatively Furthering Fair Housing (AFFH) unit shall be provided in any mixed use or multi-family residential building in the North End Gateway area overlaying the Limited Office O-1 district having 5 to 9 units, which unit shall be subject to the requirements of §230-48.

(d) Design regulations. In addition to any other design regulations provided in this Code, the following design guidelines shall apply to mixed use and multi-family residential buildings in the North End Gateway area overlaying the Limited Office O-1 district:

[1] All vehicle access shall be from the state highway except that vehicle access for one and two-family homes may also be from a Village street.

[2] Mixed use and multi-family residential buildings in the North End Gateway District area shall be subject to such additional design guidelines as may be adopted by resolution of the Board of Trustees from time to time.

(e) Parking.

[1] Notwithstanding any other provision of this Code to the contrary, for mixed use or multi-family residential buildings in the North End Gateway District area overlaying the Limited Office O-1 district there shall be provided at least the following amount of parking for each residential dwelling unit: one parking space for each studio or one-bedroom unit and two spaces for each unit with two or more bedrooms. The minimum parking for non-residential space shall be as otherwise required by this chapter. The Village Board of Trustees, as part of its special permit determination, shall have the authority to increase or decrease these parking requirements. In the case of each application, the Village Board of Trustees shall consider and make a finding as to whether the above-stated parking requirements are adequate or will be increased or decreased based upon the following factors:

[a] The mix of uses proposed to be conducted in the various spaces in the building, considering, among other things, the extent to which their parking demands are likely to overlap.

[b] Whether the applicant is willing to limit areas of the building to only certain uses.

[c] The square footage of each of the proposed residential and commercial units in the building.

[d] The availability of nearby dedicated parking on other adjacent properties. Any dedicated parking on other adjacent properties shall be by a filed legal agreement.

[e] Such other factors as the Board may deem relevant on a case-by-case basis.

[2] The Board shall have the authority to require applicant(s) to provide and/or pay for a professional parking study.

Section Two. Section 230-20.4 Area and bulk regulations for the Gateway Overlay Districts shall be amended to read as follows:

§230-20.4 Area and bulk regulations.

- A. Maximum allowable floor area ratio. With the exception of mixed-use development in the Harmon/South Riverside area and multi-family or mixed occupancy development permitted in the Municipal Place Gateway and the North End Gateway areas as permitted in Section 230-20.3B(4) and (5) above, the maximum floor area ratio (FAR) standards that shall be adhered to for new development shall be the FAR listed for the underlying zone or the following, whichever is more restrictive:
 - (1) For single-use properties, that is, a property proposed for only one principal permitted use: 0.35.
 - (2) For multi-use properties, including combinations of retail and office, retail and residential uses or office and residential: 0.40.
- B. Maximum building square footage. With the exception of lots within the C-2 Zoning District in the Municipal Place Gateway area fronting on Municipal Place and lots within the O-1 Zoning District in the North End Gateway to be used for a mixed-use or multi-family residential building, the maximum permissible square footage for any single building shall not exceed 20,000 square feet. This requirement is imposed in order to encourage a compact urban design of the gateway.
- C. Maximum permitted square footage for any single commercial use. With the exception of lots within the C-2 Zoning District in the Municipal Place Gateway fronting on Municipal Place, the maximum permissible square footage for any single commercial use by any single occupant or tenant shall not exceed 8,000 square feet of gross floor area.
- D. Maximum height. Maximum height shall be as permitted for the underlying zone as provided elsewhere in this Chapter, except for the following:
 - (1) Maximum height for mixed use development in the Harmon/South Riverside Gateway or the North End Gateway area shall be 3 stories and 35 feet.
 - (2) Maximum height for buildings within the C-2 Zoning District in the Municipal Place Gateway area on lots fronting on Municipal Place shall be 3 stories and 35 feet.

Section Three. Section 230-42.1G under Mixed Occupancy shall be amended to read as follows:

G. The provisions of this Section 230-42.1 shall not apply to properties located in the Harmon/South Riverside Gateway Overlay area or the North End Gateway Overlay area which are permitted as set forth in Section 230-20.3B(3) and Section 230-20.3B(5) and defined as “mixed use” therein, or to mixed occupancy buildings permitted in the Municipal Place Gateway Overlay area as permitted in Section 230-20.3B(4).

Section Four – Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Five – Effective Date. This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.