ARTICLE VII
Supplementary Regulations

§ 230-40. Supplementary regulations applicable to residence districts. [Amended 5-7-1990 by L.L. No. 2-1990; 9-12-1994 by L.L. No. 7-1994; 1-31-2005 by L.L. No. 1-2005]

A. Accessory buildings.

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

(a) Such building shall not exceed 15 feet in height.

(b) Except as provided in Subsection H below for fences, walls, and retaining walls, such buildings shall be set back not less than five feet from any lot line. **[Amended 3-6-2017 by L.L. No. 1-2017]**

(c) All such buildings in the aggregate shall not occupy more than 30% of the area of the required rear and side yards.

(2) Accessory buildings on adjoining lots constructed at the same time may be located in pairs or groups in the required rear or side yard along the common side lot line or rear lot line of contiguous lots.

B. Relation of accessory buildings to streets. Except as provided in Subsection H below for fences, walls, and retaining walls, no accessory building shall project nearer to the streets on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages or if the principal building does not face upon the street or for that or other reason related to topography or the characteristics of the neighborhood the requirement that accessory buildings project nearer to the street than such principal building is not appropriate, the Zoning Board of Appeals may authorize the issuance of a special permit for the erection of such garage or other accessory building which may project nearer to the street than such principal building, the normal front yard setback requirements for a principal building to apply to such garage or accessory building unless the Zoning Board of Appeals shall specify otherwise and except that the Zoning Board of Appeals may authorize the issuance of a special permit for the erection of garages within not less than 10 feet of the street line where the natural slope of the ground within 25 feet of such line is between 12% and 20% and within not less than five feet of the street line where such slope within 25 feet of such line exceeds 20%. **[Amended 3-6-2017 by L.L. No. 1-2017]**

C. Corner lots.

(1) Obstruction to vision at street intersections. At all street intersections in all residence districts, no obstructions to vision exceeding 30 inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along

such street lines 30 feet distant from their point of intersection, except tree trunks cleared to a height of eight feet.

(2) Rear and side yards. On a corner lot, front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other or others, side yards. The minimum district requirements for each shall be complied with.

D. Exceptions to lot depth requirements. The minimum lot depth at any point may be decreased to 75% of the minimum requirement if the average depth conforms to the minimum requirement.

E. Exceptions to yard requirements.

(1) Permitted obstructions. Cornices or cantilevered roofs may project not more than two feet into a required yard. Belt courses, windowsills and other ornamental features may project not more than six inches into a required yard. Paved terraces, steps and walks, other than such as are needed for access to the buildings on the lot, shall not project within 15 feet of a street line or four feet of a property line. **[Amended 3-6-2017 by L.L. No. 1-2017]**

(2) Entries and porticos. A roofed-over but unenclosed projection in the nature of an entry or portico not more than eight feet wide and extending not more than six feet out from the front wall of the building shall be exempt from the requirements of this subsection when the building otherwise complies with the regulations of this subsection. In computing the average setback, the presence of such entries and porticos shall be ignored.

(3) Existing setback. No proposed one-family or two-family dwelling need have a front yard greater than the average setback of two or more existing dwellings located within 300 feet on each side of said proposed dwelling, on the same side of the street and within the same block and the same district.

F. Exceptions to height requirements for office buildings and laboratories. District height limitations shall not apply to chimneys, antennas, ventilators, skylights, water tanks, bulkheads, cooling towers, necessary mechanical appurtenances and similar features usually carried above the roof level in office or laboratory buildings, provided that:

(1) The aggregate area covered by all such features shall not exceed 20% of the area of the roof of the building on which they are located.

(2) The height of each such feature shall not exceed 15 feet above the district height limitations.

(3) All such features, except antennas, shall be suitably screened in a manner which is in harmony with the building of which they are a part.

G. Existing small lots in all RA and RB Districts.

(1) Less than required area or width. A lot owned individually and separately on

January 22, 1962, and owned individually and separately at all times thereafter, which has a total area or width less than prescribed herein, may be used for a one-family residence in RA and RB Districts and a two-family residence in RB Districts, provided that such a lot shall be developed in conformity with all applicable district regulations other than the minimum lot area and lot width requirements, and with the minimum side yards set forth below: **[Amended 11-3-2014 by L.L. No. 2-2014]**

	For Lots With a Width of:			
	At Least or More Than	**Less Than**	**Minimum Side Yard**	**Total of Both Side Yards**
	(feet)	**(feet)**	**(feet)**	**(feet)**
For one-family residence in:				
RA-60	100	125	20	45
RA-40	100	125	20	45
RA-25	75	100	15	40
RA-9	50	75	8	20
RA-5	--	50	5	13
RB	--	50	5	13
For two-family residences in:				
RB	50	75	8	20

(2) Less than required depth. A lot owned individually and separately on January 22, 1962, and owned individually and separately at all times thereafter, which has a depth less than that prescribed herein, may be used for a one-family residence in RA and RB Districts and a two-family residence in RB Districts, provided that such lot shall be developed in conformity with all applicable district regulations other than the minimum lot depth requirement and provided that the rear yard is at least 25% of the lot depth.

H. Fences and walls. **[Added 3-6-2017 by L.L. No. 1-2017]**

(1) Fences or walls in front yards shall be not more than four feet in height and, in the case of fences, not more than 50% solid, except as provided in Subsection C(1) above; provided, however, that the Planning Board shall have the authority, during the site plan review process, to approve retaining walls in front yards with a maximum height of six feet if the Planning Board makes a determination that a higher wall is required for the grading necessary to construct the driveway or primary structure.

(2) Fences or walls not over six feet in height may be erected anywhere on a lot

except in a front yard.

(3) Fences not over eight feet in height and not more than 25% solid may be erected anywhere on a lot except in a front yard.

(4) Fences shall be erected with the finished side facing the street(s) or abutting lot(s).

§ 230-41. Accessory apartments. [Added 10-18-1982 by L.L. No. 8-1982; amended 1-21-1985 by L.L. No. 1-1985; 5-7-1990 by L.L. No. 2-1990; 6-27-1994 by L.L. No. 4-1994; 1-31-2005 by L.L. No. 1-2005; 10-19-2015 by L.L. No. 9-2015]

A. An accessory apartment shall be permitted in a single-family detached dwelling, on a lot containing no more than one dwelling unit, in districts permitting single-family residences upon approval by the Planning Board, subject to the conditions and limitations contained in this section.

B. No accessory apartment shall be installed or maintained except upon approval by the Planning Board. The application procedures and required submittals shall be the same as for minor site plan approval, except that noticing shall be required for property owners within 100 feet of the subject property and that scaled floor plans for the dwelling, with floor areas noted, shall be submitted as part of the application. The application fee for an accessory apartment application shall be an amount set by resolution of the Board of Trustees. Approval for an accessory apartment shall be issued to and run with the property owner.

C. The owner of a detached dwelling in which the accessory apartment is located shall occupy at least one of the dwelling units on the premises as his primary residence. For the purposes of this § 230-41C of the Zoning Code, the word "owner" shall mean: any individual who is an owner of the subject premises, including a joint tenant, tenant in common or tenant by the entireties; or the grantor and/or beneficiary of a trust that owns the subject premises; or the owner of a majority of the membership interest/share interest in an LLC or corporation that owns the premises.

(1) The Planning Board approval for an accessory apartment shall become null and void within 90 days of any of the following events: change of property ownership; b) death of the property owner; or change in residence of the owner. The Planning Board may grant a ninety-day extension past the expiration for good cause, including that an application has been filed to continue an accessory apartment use.

(2) Upon a change in ownership, should the new owner desire to continue the accessory apartment use, then the owner shall apply to the Planning Board for renewal of the approval.

D. Only one accessory apartment per single-family detached dwelling shall be permitted.

E. No accessory apartment shall be permitted on premises where there is also a

professional office use.

F. An accessory apartment shall be permitted only within the main structure and not within any accessory building. The character, degree and extent of any additions to the residence shall be a factor to be considered by the Planning Board in approval of an application for an accessory apartment.

G. An accessory apartment shall have separate access, not observable from the street, unless there is a single access from the front of the building with a split access inside the building.

H. All code requirements under Village law and other applicable laws and regulations shall be complied with and a building permit obtained for any changes or alterations requiring such permit.

I. The habitable floor area of an accessory apartment shall be no less than 400 square feet and no greater than the lesser of 750 square feet or 33.3% of the habitable floor area of the dwelling in which it is contained.

J. The lot size for buildings containing accessory apartments shall conform to the requirements of the district in which the building is located, unless a variance shall have been granted by the Zoning Board of Appeals.

K. The building shall, to the degree reasonably feasible, maintain the character and appearance of a single-family dwelling.

L. A residence containing an accessory apartment shall have a minimum of three off-street parking spaces. In an RA-5 District, no expansion of the existing parking area shall be permitted in order to satisfy this off-street parking requirement.

M. If the premises are not serviced by the Village sewer system, approval of the Westchester County Department of Health shall be obtained before Planning Board approval.

§ 230-42. Supplementary regulations for the Multiple Residence RC District. [Amended 1-31-2005 by L.L. No. 1-2005]

A. Exceptions to yard requirements. Garages designed so as to allow the use of the roof thereof as part of the grounds may be erected in side or rear yards, not nearer than four feet to any property line, provided that the average height of such wall or walls thereof which face a side lot line or a rear lot line is not in excess of 6 1/2 feet above the average level of such lot line. The side yard provision may be eliminated, but not reduced, along any portion of a lot line where a building erected on an adjoining lot is built to the lot line, provided that the second side yard shall be increased to a minimum width of two times the width otherwise required.

B. Exceptions to maximum coverage regulations. Where the Board of Trustees finds that the provisions of the required off-street parking space underneath the principal building or in such a way as to enable the roof thereof to be used as part of the grounds would be impractical, such Board may authorize the issuance of a special

permit allowing accessory garages to cover an additional 10% of the area of the lot. Garages designed to enable the roof thereof to be used as part of the grounds shall be exempt from any coverage limitation.

C. Length of buildings. No building shall exceed a length of 160 feet.

D. Distance between buildings. The following minimum distances between buildings shall be observed:

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

(2) Between any two other buildings: a distance equal to the average height of such buildings at the points where such buildings are nearest one to the other.

(3) Notwithstanding any other provision, and except as provided hereinafter, no building on any lot shall intrude into the area enclosed by an arc of a circle with a radius of 60 feet extending 70° on each side of a line perpendicular to the center of any legally required window, other than a bathroom or kitchen window, and the exterior radii of such arc. All measurements shall be performed in horizontal projection at the sill level of the subject window. This limitation shall not apply to any wall of the same building the plane of which intersects the plane of the wall in which the subject window is located at an exterior angle of more than 80°. A minimum distance of 60 feet shall be maintained between the subject window and any wall parallel thereto, whether such wall is a part of the same or of another building on the same lot.

E. Courts.

(1) Inner courts are prohibited.

(2) The minimum width of an outer court shall be 20 feet, and the depth thereof shall not exceed its width.

§ 230-42.1. Mixed occupancy. [Added 7-7-1993 by L.L. No. 4-1993; amended 6-13-1995 by L.L. No. 7-1995; 1-31-2005 by L.L. No. 1-2005]

Dwelling units may be permitted on the non-street-level story of buildings having nonresidential use on the street level, subject to the issuance of a special permit from the Board of Trustees and in accordance with the following conditions:

A. Mixed occupancy shall be permitted in Central Commercial C-1, Riverside Commercial C-1R(A), Riverside Transition C-1R(B), and General Commercial C-2 Districts only and in buildings which conform to the New York State Uniform Fire Prevention and Building Code for the proposed mixed occupancy. **[Amended 3-2-2020 by L.L. No. 5-2020]**

B. The nonresidential use in a mixed-occupancy building shall be limited to the street level and shall not exceed 5,000 square feet.

C. The residential and nonresidential uses in a mixed-occupancy building shall have

separate means of access (this is, the entrance/exit for residential use shall not be through the nonresidential use of the building and vice versa), except that the Board of Trustees may, at its discretion, approve the use of a common lobby or plaza.

D. The nonresidential use of the building shall be provided with the number of parking spaces required by § 230-35 herein. In addition, two parking spaces per dwelling unit shall be provided for the residential use of the building. The requirement of this subsection may be waived by the Board of Trustees for buildings existing on the date of adoption of this section if there is insufficient area for parking on the site of a mixed-occupancy building.

E. All utility, storage, service and parking areas on the site of the mixed-occupancy building shall be screened by means of landscaping and/or fencing to the extent deemed necessary and practical by the Board of Trustees in order to minimize the impact of these areas upon the residential use of the building.

F. Residential use shall not be permitted in buildings housing motor vehicle sales and service agencies, motor vehicle service stations, manufacturing, animal hospitals, bowling alleys or any other use deemed by the Board of Trustees to be incompatible with the residential use of the building.

G. The provisions of this § 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 § 230-20.3B(3) and (5) and defined as "mixed use" therein, or to mixed-occupancy buildings permitted in the Municipal Place Gateway Overlay area as permitted in § 230-20.3B(4). **[Amended 6-4-2012 by L.L. No. 1-2012[1]; 3-2-2020 by L.L. No. 4-2020; 3-7-2022 by L.L. No. 3-2022]**

§ 230-43. Nonresidential buildings. [Amended 1-31-2005 by L.L. No. 1-2005]

A. Supplementary height regulations in RC, C-1, C-1R(A), C-1R(B), C- 2, WC and PRE Districts. In RC, C-1, C-1R(A), C-1R(B), C-2, WC and PRE Districts, except for one- or two-family dwellings, where a lot has frontage on two or more streets or other public ways, the height limitation shall apply only as measured from the curb level along the street or way with a higher elevation above sea level. When penthouses, etc., are over 12 feet high and cover more than 20% of the roof area, measurements must be taken to the top of such penthouses or bulkheads. All penthouses, bulkheads, etc., must be 10 feet back of the front and rear walls of a building and three feet back of the side walls, except that walls of elevators and stair enclosures may be built on the side wall when required by the plan of the building. **[Amended 3-2-2020 by L.L. No. 5-2020]**

B. Courts for nonresidential buildings.

(1) Inner courts. No inner court shall have a minimum dimension less than 1/2 of

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1. **Editor's Note: This local law also repealed L.L. No. 4-2009, adopted 11-16-2009, which was stayed by court-ordered stipulation. Section 12 of L.L. No. 1-2012 states: "The provisions of Sections 2 through 9 of this local law shall not apply to any proposed project for which a complete application has been submitted prior to the effective date hereof. The provisions of the Zoning Law in effect on November 15, 2009, shall apply to such proposed projects."**

the average height of all surrounding walls.

(2) Outer courts. The minimum width of an outer court shall be 20 feet, and the depth thereof shall not exceed its width.

C. Obstruction to vision at street intersections. The provisions of § 230-40C(1) shall also apply to corner lots in nonresidential districts.

§ 230-44. Signs. [Amended 5-7-1990 by L.L. No. 2-1990; 2-15-1999 by L.L. No. 4-1999; 3-19-2001 by L.L. No. 3-2001; 1-31-2005 by L.L. No. 1-2005]

A. Intent. The purposes of the signage regulations set forth in this chapter are to encourage the effective use of signs as a means of communication in the Village; to minimize possible adverse effects of signs on nearby public and private properties; to maintain and enhance the visual and aesthetic environment; to improve pedestrian and vehicular traffic safety; and to enable the fair and consistent enforcement of these sign regulations by the Village.

B. Conformance. Any sign shall be erected, replaced, moved or modified in conformity with the provisions of this chapter. All actions related to questions of conformance shall be subject to the review and decision thereon by the Planning Board. See Subsection K below for the regulation of temporary signs. Where the provisions of Subsections D through O below may be in conflict with the signage provisions relating specifically to the respective zoning districts in Subsection P below, the latter provisions shall apply.

C. Application process.

(1) Except as provided in Subsection K in connection with temporary signs and in Subsection P(1)(f) in connection with residential yard signs, the Village Engineer shall receive, review and comment on conformance for all completed applications to erect, replace, move or modify signs. The Village Engineer shall then forward applications that are in substantial compliance to the Visual Environment Board (VEB) within five business days for VEB review and recommendation on the issuance of a sign permit. The Visual Environment Board's opinion shall be rendered to the Village Engineer and/or Planning Board within 21 days of receipt of said application. If the signage is part of an application for a site plan approval or a change of use approval, the Planning Board's decision on the site plan shall include its decision on the proposed signage. **[Amended 5-17-2021 by L.L. No. 4-2021]**

(2) The payment of an application fee in accordance with the Village's schedule of fees[2] shall accompany all sign permit applications.

(3) The Village Engineer and VEB shall maintain a book of photographs and/or drawings representing the types and styles of signs preferred in the Village in order to assist in expediting the application process.

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2. Editor's Note: The current fee resolution is on file in the Village Clerk's office.

D. Relationship to use. All signs, except for temporary signs and except for the kind of billboards permitted in Subsection M below, must pertain to a use conducted on the same property on which the sign is located.

E. Illumination.

(1) Permitted signs may be illuminated except where this chapter specifically prohibits certain signs from being illuminated. However, sign illumination shall not be twinkling, flashing, intermittent (except for time/temperature signs), or of changing degrees of color or intensity. Further, neon signs shall only be permitted on the inside of buildings. No sign shall contain or consist of Day-Glo-like material.

(2) All light sources used for illuminating signage shall be shielded and shall not be a source of glare.

(3) Upon referral by the Village Engineer and/or VEB, the Planning Board may require the submission of an illumination plan and may regulate the number, placement, intensity and hours of illumination of all light fixtures used for signage.

F. Placement. No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper vehicular sight distance. Further, signs shall not interfere with pedestrian or vehicular traffic flow, nor shall any sign interfere with any ventilation system, door, window, fire escape or other emergency exit.

G. Movement, animation, removable letters, lights. No sign or sign component shall be moving, animated, rotating or revolving. Further, no sign shall contain removable letters, except for signs associated with educational, religious or municipal institutions, gas stations, or with movie theaters. In addition, light strips and strings of lights shall not be used for advertising or attracting attention to a sign when they do not comprise the text of the sign.

H. Maintenance and quality of signs. All signs and components thereof shall be kept in good repair and in safe, neat and clean condition. All signs and related illumination shall be of a professional quality with respect to such matters as design, painting, lettering, materials and construction.

I. Nonconforming signs. All signs that do not conform to the provisions of this chapter shall be subject to the requirements of §§ 230-53 and 230-54 herein.

J. Projecting signs. Marquee signs are permitted for theaters only. For all projecting signs, there shall be at least an eight-foot clearance above pedestrian rights-of-way and at least a fourteen-foot clearance above vehicular rights-of-way for permitted signs projecting from buildings. Signs shall not project vertically above the roofline or parapet, or extend horizontally beyond the limits of the building.

K. Temporary signs. **[Amended 5-17-2021 by L.L. No. 4-2021]**

(1) Temporary signs are those which are displayed for short periods of time. Unless specified otherwise below, all temporary signs shall be limited in usage to a maximum of 45 days. Signs shall not be considered temporary if they are effectively displayed on an ongoing basis, interrupted by short intervals when they are not displayed.

(2) Temporary signs do not require a signage permit and shall be restricted as applicable as set forth below:

(a) "For Sale," "For Rent" or "Sold" signs. No more than two temporary signs, not exceeding six square feet in area each, are allowed for a single lot. One temporary sign, 16 square feet in area, is permitted for each real estate subdivision, set back at least 15 feet from the street line upon which the property is located. This signage usage shall be allowed beyond 45 days.

(b) Temporary construction signs. The architect, engineer and contractors shall each be allowed one sign not exceeding six square feet in area. Such signs shall be permitted during the entire course of construction but shall be removed at the end of construction.

(c) Temporary signs pertaining to election campaigns. Such signs shall not be subject to the forty-five-day limitation in Subsection K(1) above but shall be removed within 10 days after the election day.

(d) Temporary signs pertaining to garage sales, tag sales or other business activities which have a duration of seven calendar days or less.

(e) Temporary signs pertaining to events of civic, philanthropic, educational or religious institutions shall not be subject to the size limitation contained in Subsection K(4).

(3) Except as provided in Subsection K(2)(a) through (e), temporary signs shall not exceed 16 square feet in area and shall not be illuminated.

(4) Temporary signs shall not have an adhesive backing and must be easily removable without residual markings.

(5) Temporary signs must also conform to all of the other provisions of this chapter, except with respect to being of a professional quality as required in Subsection H above.

L. Freestanding signs. No freestanding sign shall extend more than 10 feet from the ground to the top of the sign except for a freestanding sign associated with a shopping center or a motor vehicle service station, which shall not extend more than 20 feet from the ground to the top of the sign.

M. Prohibitions. The following types of signs and artificial lighting are prohibited:

(1) Billboards, except for those which are existing on the effective date of these regulations and which are associated with a site which is on the National

Register of Historic Places.

(2) Signs that compete for attention with or may be mistaken for a traffic signal.

(3) Searchlights, beacons, blimps and permanent balloons.

(4) Signs attached to or painted on trucks or other large vehicles when the vehicle is obviously marked and parked in such a manner as to advertise or attract attention to an establishment or business.

(5) Banners, flags, strings of balloons, flags or lights, or similar outdoor advertising, except on a temporary basis with respect to the opening, reopening or remodeling of the business (that is, limited to a maximum duration of 45 days).

N. Consistent signage. Where a building or site is permitted more than one sign by the provisions of this chapter, all new signs shall be consistent relative to one another in terms of size, general shape and, if building-mounted, location on the building (mounting height). Further, the Planning Board may require the submission of a master signage plan for the site which shows said consistency.

O. Window signs. The combination of permanent and temporary signage applied to or placed within two feet of the interior of any given window shall be considered part of the signage in accordance with the provisions of this chapter. Further, in no event shall permanent window signage exceed 25% of the window on or within which it is located. Merchandise for sale is not considered part of the signage for purposes of this item.

P. District standards. The following signage shall be permitted within the districts listed below and shall be regulated therein, as follows. Said signage shall also conform to the provisions of Subsections A through O above, as qualified in Subsection B.

(1) One-Family Residence RA-60, RA-40, RA-25, RA-9, RA-5 Districts; Two-Family Residence RB District; Multiple Residence RC District. **[Amended 11-3-2014 by L.L. No. 2-2014]**

(a) With respect to nurseries and the seasonal sale of produce, signs shall conform to Subsection P(1)(e) below.

(b) With respect to funeral homes, there shall be no signs other than those permitted in Subsection P(1)(e) below.

(c) With respect to customary home occupations, no display of signage shall be visible from the street, except as set forth in Subsection P(1)(e) below.

(d) With respect to bed-and-breakfast establishments, one sign designating a bed-and-breakfast establishment shall be permitted, subject to the following conditions:

[1] The area of the sign shall not exceed two square feet.

[2] If freestanding, the overall height of the sign shall not exceed six feet as measured from finished grade to top of sign. NOTE: Refer to § 230-4, the definition of "building," and § 230-40A(1)(b) of this chapter.

[3] The sign shall not be internally illuminated.

[4] If externally illuminated, the illumination shall not exceed the equivalent of a one-hundred-watt bulb.

[5] If illuminated, the illumination shall be constant, shall be directed towards the sign and shall be shielded from the view of the street and neighboring properties.

(e) Signs conforming to the following shall be permitted as accessory uses:

[1] One nonilluminated nameplate or professional sign with an area of not over two square feet.

[2] One externally illuminated bulletin board or other announcement sign for educational or religious institutions permitted in § 230-9.1A(4) of this chapter, with an area of not over 12 square feet.

(f) On lots used for residential purposes, up to three nonilluminated residential yard signs not exceeding six square feet each, and no higher than 42 inches above the existing ground surface, shall be permitted. Residential yard signs must also conform to all of the other provisions of this chapter, except with respect to being of a professional quality as required in Subsection H above. **[Added 5-17-2021 by L.L. No. 4-2021]**

(2) Limited Office O-1 District. One nonilluminated sign facing a street and not exceeding an area of five square feet shall be permitted.

(3) Limited Office O-2 District. One sign shall be permitted, provided that such sign is facing a street and as follows:

(a) The aggregate area, in square feet, shall be not greater than 1 1/2 times the length, in feet, of the wall on which it is placed.

(b) Such sign shall be parallel or perpendicular to the face of the building and no part thereof, including any illuminating devices, shall project more than 12 inches outward from the face of the wall to which it is applied for parallel signs and no more than 36 inches outward from the face of the wall to which it is applied for perpendicular signs.

(4) Central Commercial C-1, Riverside Commercial C-1R(A) and Riverside Transition C-1R(B) Districts. **[Amended 3-2-2020 by L.L. No. 5-2020]**

(a) Signs accessory to an establishment located on the same lot shall be permitted, provided that such signs shall be limited as set forth in

Subsection P(4)(b) below and as follows:

[1] Not more than one such sign, excluding signs in windows, shall be permitted for each tenant on the premises on each facade which fronts on a street.

[2] The aggregate area, in square feet, of all signs on any wall shall be not greater than two times the length, in feet, of the wall on which it is placed.

[3] Such sign or signs shall be parallel or perpendicular to the face of the building, and no part thereof, including any illuminating devices, shall project more than 12 inches outward from the face of the wall to which it is applied for parallel signs and more than 36 inches outward from the face of the wall to which it is applied for perpendicular signs.

[4] In addition, where the building is set back from the curbline a distance of 25 feet or more, not more than one freestanding sign with a total area on each face of not more than 40 square feet may be erected; provided, however, that the Zoning Board of Appeals may, in accordance with the procedure set forth in § 230-162B of this chapter, authorize the Village Engineer to issue a special permit for the erection or continuance of a freestanding sign with an area on each face not exceeding 40 square feet or such lesser area as the Zoning Board of Appeals may prescribe in instances where the building is set back from the curb or edge of traveled way less than 25 feet but 15 feet or more, subject to such conditions as the Zoning Board of Appeals may impose and with due regard to safety and other factors set forth in § 230-75B where the Board shall find that:

[a] The building in connection with which such sign is used or to be used was in existence on July 1, 1963, and has not after that date been altered to cause it to be closer to the curbline or edge of traveled way; and

[b] Other permitted signs are not, because of lack of visibility or other reason, adequate in the determination of the Zoning Board of Appeals and, for that or other reason, the Zoning Board of Appeals deems such sign to be necessary or desirable.

(b) Motor vehicle service stations.

[1] Unless otherwise required by law, signs shall be limited to one freestanding sign and one exterior sign on each wall of a building fronting on a street and shall otherwise conform to the conditions for accessory signs set forth in Subsection P(5)(a).

[2] In connection with the sale of used cars or rental of vehicles at a service station. No temporary signs shall be permitted on the exterior

of vehicles. Signs in the interior of vehicles shall be limited to one per vehicle, not to exceed 12 inches by 15 inches. Sign printing shall have characters not larger than one inch.

(5) General Commercial C-2 District.

(a) Accessory signs shall be as permitted in the Central Commercial C-1 District as set forth in Subsection P(5).

(b) Drive-in theaters. In lieu of signs other than a sign permitted by Subsection P(4)(a)[4], a drive-in theater may have:

[1] The name of the theater on a sign affixed to the theater screen structure on the reverse side of the screen; and

[2] A supplementary sign on that same face announcing the feature attraction or attractions and containing other information customarily contained in theatrical announcements or the opening or closing date of the theater.

(c) Motor vehicle sales and service agencies.

[1] Unless otherwise required by law, signs shall be limited to one freestanding sign and one exterior sign on each wall of a building fronting on a street and shall otherwise conform to the conditions for accessory signs set forth in Subsection P(4)(a).

[2] No temporary signs shall be permitted on the exterior of vehicles. Signs in the interior of vehicles shall be limited to one per vehicle, not to exceed 12 inches by 15 inches. Sign printing shall have characters not larger than one inch.

(6) Light Industrial LI District.

(a) Accessory signs. One sign shall be permitted facing each street from which access to the lot is provided. Such sign shall be applied onto the wall of the building and shall not exceed an area of 50 square feet or an area equal to 1 1/2 times the length, in feet, of the wall on which it is placed, whichever is less. All light sources shall be shielded from the view of adjacent lots and streets and shall, except for lights suitable for security purposes, be extinguished not later than 9:00 p.m. One identification sign at each point of access to the lot, with an area of not more than three square feet, shall also be permitted. A single directory sign, not exceeding eight feet in height, may be erected at the entrance of a complex of sites; each listing on such sign shall not exceed eight inches in height and two feet in length.

(7) Waterfront Commercial WC District.

(a) Accessory signs. One sign shall be permitted facing each street from which access to the lot is provided. Such sign shall be applied onto the

wall of the building, if any, and such sign shall not exceed an area of 30 square feet or an area equal to 1 1/2 times the length, in feet, of the wall on which it is placed, whichever is less. If there is no building, one freestanding sign shall be permitted, no higher than 10 feet from the ground, no greater than 30 square feet in area, and no closer than 25 feet to the nearest lot line. All light sources shall be shielded from the view of adjacent lots and streets and shall, except for lights suitable for security purposes, be extinguished no later than normal business hours, as determined by the Planning Board.

(8) Waterfront Development WD District.

(a) Offices and studios. Signs for professional offices and studios shall be subject to P(1)(e) of this chapter.

(b) Other uses. For uses other than specified in P(8)(a) above, one sign shall be permitted facing each street from which access to the lot is provided. Such sign shall be applied onto the wall of a building, if any, shall not exceed an area of 24 square feet and shall not extend beyond said wall in any direction. If there is no building, one freestanding sign shall be permitted, shall be no higher than 10 feet above the ground, shall be no greater than 24 square feet in size and shall be no closer than 25 feet to the nearest lot line. All light sources shall be shielded from the view of adjacent lots and streets and shall, except for lights suitable for security purposes, be extinguished no later than normal business hours, as determined by the Planning Board during the site development plan review process.

(c) Directional, trail and project signs. Signage relating to vehicular, pedestrian and bicycle usage, traffic and parking shall be permitted, as shall an entry sign for the project itself. The locations, sizes, colors, materials and illumination of said signage shall be subject to the approval of the Planning Board as part of the site development plan review process.

(d) All signs. All signs shall meet the standards of § 230-44 of this chapter. Every effort shall be made to avoid the blockage of views in the placement of signage on the site.

(9) Supplementary regulations for any parking spaces adjacent to residence districts. Identification and directional signs shall not exceed an area of three square feet each and shall be limited to such as are essential for the particular use.

Q. Modification of requirements. Where the Planning Board finds that strict compliance with the requirements of § 230-44 would cause unusual hardship or difficulty because of the specific circumstances of a particular situation, the Board may modify the requirements of said section so long as the Board finds that the public interest will be protected and that any such modification will be consistent with the spirit and intent of this chapter. In permitting any such modification, the

Planning Board may attach such conditions as are, in its judgment, necessary to substantially secure the objectives of the requirement so modified.

§ 230-45. Municipal buildings, structures and uses. [Amended 1-31-2005 by L.L. No. 1-2005]

The height and bulk limitations contained in Articles VI and VII of this chapter shall not apply to any municipal building, structure or use in connection with a municipal governmental function where there exists an engineering or other reason related to the particular site, building and use proposed in respect of which the opinion, in writing, of an independent engineer or expert shall have been obtained to the effect that the proposed building, structure or use will better serve its municipal function if it is carried out in a manner which is not in strict conformity with such height and bulk limitations; provided, however, that notwithstanding the nonapplicability of the height and bulk limitations in the circumstances set forth, any building, structure or use to which this section applies shall be authorized only by a resolution of the Board of Trustees which shall include:

A. Findings of fact setting forth the engineering or other reason and the Board's determination to the effect above set forth.

B. The Board's determination that the building, structure or use is for the purpose of carrying out a municipal governmental function.

C. Referring to the opinion, in writing, of an independent engineer or expert with respect to the proposed building, structure or use and setting forth the substance of such opinion and the Board's determination that it complied with the foregoing provisions.

D. The Board's determination that the proposed building, structure or use will be in general harmony with the general purposes and intent of this chapter. considered in the light of the overall health and welfare of the Village and that it will not be detrimental to the public welfare.

E. Prescribing such limitations and conditions with respect to the building. structure or use as the Board of Trustees may deem necessary or desirable.

§ 230-46. Amusement games and devices.[3]

§ 230-47. Performance standards. [Amended 1-31-2005 by L.L. No. 1-2005]

A. Restrictions on creation of dangerous and objectionable elements. Every use subject to performance standards shall conform to the restrictions set forth in Subsections B and C below.

B. Measurement at the point of emission. The existence of the following dangerous and objectionable elements shall be determined at the location of the use creating

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3. Editor's Note: Former § 230-46, Amusement games and devices, added 3-8-1982 by L.L. No. 3-1982; amended 1-31-2005 by L.L. No. 1-2005, was repealed 9-20-2021 by L.L. No. 10-2021.

the same or at any point beyond, and these shall be limited as follows:

(1) Explosives. Activities involving the storage or manufacture of materials or products which decompose by detonation are prohibited, except for those under the jurisdiction of the Police Department. The list of materials or products which decompose by detonation, when in sufficient concentrations, includes but is not limited to the following:

Acetylides

Ammonium nitrates

Anhydrous hydrazine

Azides

Black powder

Blasting gelatin

Chlorates

Cyclonite or hexogene (cyclotrimethylenetrinitramine)

Dinitroresorcinol

Dinitrotoluene

Dinol

Dynamite

Fireworks

Fulminates

Greek fire

Guanidine nitrate

Gun cotton (cellulose nitrate with nitrogen content in excess of 12.2% or pyroxylin)

Hexamine (hexamethylenetetramine)

Nitroglycerin

Perchlorates (when mixed with carbonaceous materials)

Permanganates

Peroxides (except hydrogen peroxide in concentrations of 35% or less in aqueous solution)

PETN (pentaerythritol tetranitrate)

Petryl [2-(N,2,4,6 -- tetranitroaniline) ethanol nitrate]

Picric acid

Tetryl (N-methyl - N,2,4,6 - tetranitroaniline)

TNT (trinitrotoluene)

(2) Fire hazards. All activities involving and all storage of flammable and

explosive materials shall be provided with adequate safety devices against the hazard of fire and adequate fire-fighting and fire-suppression equipment and devices standards in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of other state and local laws and regulations shall also apply.

(3) Radioactivity or electrical disturbance. No activities shall be permitted which emit dangerous radioactivity at any point. No activities shall be permitted which produce electrical and/or electromagnetic disturbances, except from domestic household appliances and from communications equipment subject to control of the Federal Communications Commission or appropriate federal agencies which adversely affect the operation at any point of any equipment other than that of the creator of such disturbance.

(4) Smoke. No emission shall be permitted any point from any chimney or otherwise of visible gray smoke of a shade darker than No. 1 on the Ringlemann Smoke Chart as published by the United States Bureau of Mines. (Power's Miscro-Ringelmann Chart, McGraw-Hill Publishing Company, 1954, may be used.) This provision, applicable to visible gray smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

(5) Other forms of air pollution. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals or vegetation or to other forms of property or which can cause any excessive soiling of any paint, and in no event shall any emission of any solid or liquid particles in concentrations exceeding 0.3 grains per (standard) cubic foot of the conveying gas or air at any point be permitted. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500° F. and 50% excess air.

(6) Liquid or solid wastes. No discharge shall be permitted at any point into any private sewage disposal system or stream or into the ground of any materials in such a way or of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the State Department of Health, Water Pollution Control Board or County Health Department. No accumulation of solid wastes conducive to the breeding of rodents or insects shall be permitted.

C. Measurement at the lot line. The existence of the following dangerous and objectionable elements shall be determined at the lot line of the use creating the same or at any point beyond said lot line, and these shall be limited as follows:

(1) Noise. At the specified points of measurement the sound-pressure level of noise radiated continuously from a facility at nighttime shall not exceed the values for octave bands lying within the several frequency limits given in Table I after applying the corrections shown in Table II. The sound-pressure

level shall be measured with a sound level meter and an octave band analyzer conforming to specifications prescribed by the American Standards Association, Inc., New York, New York (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944, American Standards Association, Inc., New York, New York, and American Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, New York, shall be used.)

TABLE I

Maximum Permissible Sound-Pressure Levels at Specified Points of Measurement for Noise Radiated Continuously From a Facility Between the Hours of 7:00 p.m. and 7:00 a.m.

Frequency Ranges Containing Standard Octave Bands (cycles per second)	Octave Band Sound Pressure Level (decibels re 0.0002 dyne/em)
20 - 75	67
75 - 150	66
150 - 300	61
300 - 600	54
600 - 1,200	47
1,200 - 2,400	39
2,400 - 4,800	29
4,800 - 10,000	20

If the noise is not smooth and continuous and/or is not radiated between the hours of 7:00 p.m. and 7:00 a.m., one or more of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given above in Table I.

TABLE II

Type of Operation or Character of Noise	Correction (decibels)
Daytime operation only	+5
Noise source operates less than 20% of any one- hour period	+5*
Noise source operates less than 5% of any one-hour period	+10*
Noise of impulsive character (hammering, etc.)	-5
Noise of periodic character (hum, screech, etc.)	-5

*NOTE: Apply one of these corrections only.

(2) Vibration. No vibration shall be permitted which is discernible to the human sense of feeling for three minutes or more duration in any one hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of 30 seconds or more duration in any one hour between the hours of 7:00 p.m. and 7:00 a.m. No vibration at any time shall produce an acceleration of more than 0.1 g or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, Seismic Effects of Quarry Blasting, on any nearby structure. The methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of this subsection.

(3) Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the specified points of measurement. Any process which may involve the creation or emission of any odor shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established, as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5, Air Pollution Abatement Manual, Copyright 1951, by Manufacturing Chemists' Association, Inc., Washington, D.C.

(4) Glare. No direct or sky-reflected glare shall be permitted, whether from floodlights or from high-temperature processes, such as combustion or welding or otherwise, so as to be visible at the specified points of measurement. This restriction shall not apply to signs otherwise permitted by the regulations.

D. Elimination of nonconformities. Within 12 months after December 31, 1972, all existing uses, buildings or other structures shall comply with the applicable performance standards herein set forth; provided, however, that if the Zoning Board of Appeals finds that because of the nature of the corrective action required the twelve-month period is inadequate, it may, as a special permit, grant not more than one extension for a period of not more than six months. All new uses, buildings or other structures shall comply with the applicable performance standards when put into operation.

§ 230-48. Supplementary standards for the provision of affordable housing units.[4] [Added 11-5-2018 by L.L. No. 9-2018]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

AFFORDABLE AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) UNIT —

(1) A for-purchase housing unit that is affordable to a household whose income

4. **Editor's Note: Former § 230-48, Dish antennas, added 12-16-1985 by L.L. No. 11-1985, as amended, was repealed 1-31-2005 by L.L. No. 1-2005; see now § 230-74, Plan amendments for dish antennas.**

does not exceed 80% of the area median income (AMI) for Westchester as defined annually by the United States Department of Housing and Urban Development (HUD) and for which the annual housing cost of a unit, including common charges, principal, interest, taxes and insurance (PITI), does not exceed 33% of 80% AMI, adjusted for family size and that is marketed in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan; and

(2) A rental unit that is affordable to a household whose income does not exceed 60% AMI and for which the annual housing cost of the unit, defined as rent plus any tenant-paid utilities, does not exceed 30% of 60% AMI adjusted for family size and that is marketed in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan.

B. Required affordable AFFH unit component.

(1) Within all residential developments of 10 or more units created by subdivision or site plan approval, no less than 10% of the total number of units must be created as AFFH units. Rounding shall be done as follows: for 10 to 14 housing units: one AFFH unit; for 15 to 24 housing units: two AFFH; then continuing in like increments as the number of housing units increase.

(2) Notwithstanding the above, all such AFFH units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan in place at the time.

C. Waivers for creation of additional fair and affordable housing. If a site plan or subdivision applicant wishes to voluntarily provide more AFFH units than are required by Subsection B above, the Village Board shall have the authority, but not the obligation, to waive such zoning and other land use regulations as it deems appropriate to allow additional dwelling unit(s) to be constructed, beyond the number which would otherwise be permitted under the Village's Zoning Code and other land use regulations if all of their requirements were adhered to. In order to qualify to be considered for this waiver, an applicant must demonstrate that, without the waiver, the inclusion of the additional AFFH unit(s) would impose a financial burden that would prevent the applicant from realizing a reasonable economic return on its development.

D. Maximum rent and sales price. The maximum monthly rent for an AFFH unit and the maximum gross sales price for an AFFH unit shall be established in accordance with United States Department of Housing and Urban Development guidelines as published in the current edition of the "Westchester County Area Median Income (AMI) Sales and Rent Limits" available from the County of Westchester.

E. Time period of affordability. Units designated as AFFH units must remain affordable for a minimum of 50 years from date of initial certificate of occupancy for rental properties and from date of original sale for ownership units.

F. Property restriction. A property containing any AFFH units must be restricted using

a mechanism such as a declaration of restrictive covenants in recordable form acceptable to Municipal Counsel which shall ensure that the AFFH unit shall remain subject to regulations for the minimum fifty-year period of affordability. Among other provisions, the covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit. Upon approval, such declaration shall be recorded against the property containing the AFFH unit prior to the issuance of a certificate of occupancy for the development.

G. Unit appearance and integration.

(1) Within single-family developments, the AFFH units may be single-family homes or, if the Planning Board so elects, they may be incorporated into one or more two-family homes. If the Planning Board so elects, one or more AFFH unit(s) may be located on a lot meeting 75% of the minimum lot area for the single-family homes in the development. Each such two-family home shall be located on a lot meeting the minimum lot area for the single-family homes in the development. All such units shall be indistinguishable in appearance, siting and exterior design from the other single-family homes in the development, to the furthest extent possible. Interior finishes and furnishings may be reduced in quality and cost to assist in the lowering of the cost of development of the AFFH units.

(2) Within multifamily developments, the AFFH units shall be physically integrated into the design of the development and, where multiple AFFH units are required, to the extent feasible, they shall be distributed among various sizes (efficiency, one-, two-, three- and four-bedroom units) in the same proportion as all other units in the development. The AFFH units shall not be distinguishable from other market rate units from the outside or building exteriors. Interior finishes and furnishings may be reduced in quality and cost to assist in the lowering of the cost of development of the AFFH units.

H. Minimum floor area.

(1) The minimum gross floor area per AFFH unit shall not be less than 80% of the average floor area of nonrestricted housing units in the development and no less than the following:

	Minimum Gross Floor Area
Dwelling Unit	**(square feet)**
Efficiency	450
1-bedroom	675
2-bedroom	750
3-bedroom	1,000 (including at least 1.5 baths)
4-bedroom	1,200 (including at least 1.5 baths)

(2) For the purposes of this section, paved terraces or balconies may be counted toward the minimum gross floor area requirement in an amount not to exceed

1/3 of the square footage of such terraces or balconies.

(3) As an alternative or supplemental standard if the Planning Board so elects: The minimum gross floor area per AFFH unit shall be in accordance with the standards set forth by the New York State Division of Housing and Community Renewal and the New York State Housing Trust Fund Corporation in Section 4.03.03 of the most recent edition of its joint Design Manual. See: http://nysdhcr.gov/Publications/DesignHandbook/UF2009_DesignHandbook.pdf or its successor.

I. Occupancy standards. For the sale or rental of AFFH units, the following occupancy schedule shall apply:

Number of Bedrooms	**Number of Persons**
Efficiency	Minimum: 1; maximum: 1
1-bedroom	Minimum: 1; maximum: 3
2-bedroom	Minimum: 2; maximum: 5
3-bedroom	Minimum: 3; maximum: 7
4-bedroom	Minimum: 4; maximum: 9

J. Affirmative marketing. The AFFH units created under the provisions of this section shall be sold or rented and resold and re-rented during the required period of affordability, only to qualifying income-eligible households. Such income-eligible households shall be solicited in accordance with the requirements, policies and protocols established in the Westchester County Fair and Affordable Housing Affirmative Marketing Plan then in effect.

K. Resale requirements.

(1) In the case of owner-occupied AFFH units, the title to said property shall be restricted so that in the event of any resale by the home buyer or any successor, the resale price shall not exceed the then-maximum sales price for said unit, as determined in this section, or the sum of (i) the net purchase price (i.e., gross sales prices minus subsidies) paid for the unit by the selling owner, increased by the percentage increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers in the New York-Northern New Jersey Area, as published by the United States Bureau of Labor Statistics (the "Index") on any date between (a) the month that was two months earlier than the date on which the seller acquired the unit and (b) the month that is two months earlier than the month in which the seller contracts to sell the unit. If the Bureau stops publishing this index, and fails to designate a successor index, the Village of Croton-on-Hudson will designate a substitute index; and (ii) the cost of major capital improvements made by the seller of the unit while said seller of the unit owned the unit as evidenced by paid receipts depreciated on a straight line basis over a fifteen-year period from the date of completion and such approval shall be requested for said major capital improvements no later than the time the seller of the unit desires to include it in the resale price.

(2) Notwithstanding the foregoing, in no event shall the resale price exceed an amount affordable to a household at 80% of AMI at the time of the resale.

L. Lease renewal requirements.

(1) Applicants for rental AFFH units shall, if eligible and if selected for occupancy, sign leases for a term of no more than two years. As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered renewal leases for a term of no more than two years each. Renewal of a lease shall be subject to the conditions of federal, state or county provisions that may be imposed by the terms of the original development funding agreements for the development or to the provisions of other applicable local law.

(2) If no such provisions are applicable and if a resident's annual gross income should subsequently exceed the maximum then allowable, as defined in this chapter, then said resident may complete their current lease term and shall be offered a nonrestricted rental unit available in the development at the termination of such lease term, if available. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one additional one-year lease for the AFFH unit they occupy but shall not be offered a renewal of the lease beyond the expiration of said term.

M. Administrative and monitoring agency. The County of Westchester shall be responsible for monitoring the AFFH units during the units' periods of affordability and for monitoring compliance with the affirmative marketing responsibilities of those creating the AFFH units.

N. Expedited project review process.

(1) Preapplication meeting. The Planning Board's preapplication meeting process shall be followed in connection with developments which include AFFH units. The purposes of the preapplication meeting will include discussion of means to expedite the development application review process through:

(a) The early identification of issues, concerns, code compliance and coordination matters that may arise during the review and approval process.

(b) The establishment of a comprehensive review process outline, proposed meeting schedule, and conceptual timeline.

(2) Meeting schedule and timeline. Village departments, boards, commissions, committees and staff shall endeavor to honor the proposed meeting schedule and conceptual timeline established as an outcome of the preapplication process to the greatest extent possible during the review and approval process, subject to the demonstrated cooperation of the applicant to adhere to same. Should the approval process extend beyond one year, an applicant for a development including AFFH units shall be entitled to at least one additional meeting per year with the same departments, boards, commissions, or

committees to review any and all items discussed at previous preapplication meetings.

(3) Calendar/agenda priority. Municipal departments, boards, commissions, or committees with review or approval authority over applications for developments which include AFFH units shall give priority to such applications by placing applications for developments including AFFH units high enough on all meeting and work session calendars and agendas so they will not be bumped to a subsequent meeting, because of lack of time and, when feasible based on the ability to conduct required reviews and public notice, with the intent of shortening minimum advance submission deadlines to the extent practicable.

§ 230-48.1. Solar energy systems. [Added 8-12-2019 by L.L. No. 8-2019]

A. Authority. These provisions for solar energy systems are adopted pursuant to §§ 7-700 through 7-704 of the Village Law and § 20 of the Municipal Home Rule Law of the State of New York, which authorize the Village to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Village Law of New York State, "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor."

B. Purpose. This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of Village of Croton-on-Hudson, including:

(1) Taking advantage of a safe, abundant, renewable, and nonpolluting energy resource;

(2) Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses; and

(3) Increasing employment and business development in the region by furthering the installation of solar energy systems;

(4) Decreasing the use of fossil fuels, thereby reducing the carbon footprint of the Village of Croton-on-Hudson;

(5) Diversifying energy resources to decrease dependence on the grid.

C. Applicability.

(1) The requirements of this section shall apply to all solar energy systems permitted, installed, or modified in the Village of Croton-on-Hudson after the effective date of this section, excluding general maintenance and repair.

(2) Solar energy systems constructed or installed prior to the effective date of this section shall not be required to meet the requirements of this section.

(3) Modifications to an existing solar energy system that increase the solar energy system area by more than 5% of the original area of the solar energy system

(exclusive of moving any fencing) shall be subject to the provisions hereof.

(4) All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the New York State Uniform Fire Prevention and Building Code (Building Code), the New York State Energy Conservation Code (Energy Code), and the Village Code.

D. General requirements.

(1) A building permit shall be required for installation of all solar energy systems.

(2) All Village boards are encouraged to condition their approval of proposed developments on sites adjacent to solar energy systems so as to protect their access to sufficient sunlight to remain economically feasible over time.

E. Permitting requirements for Tier 1 solar energy systems. All Tier 1 solar energy systems shall be permitted in all zoning districts as an accessory use, subject to the following conditions for each type of solar energy system:

(1) Roof-mounted solar energy systems.

(a) Roof-mounted solar energy systems shall incorporate, when feasible, the following design requirements:

[1] Roof-mounted solar panels must be attached to a lawfully permitted building or structure, which may be an accessory structure.

[2] All roof-mounted solar energy systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district, with the height exemptions as provided for building-mounted mechanical devices or equipment.

[3] Glare. All solar panels shall have antireflective coating(s).

(2) Building-integrated solar energy systems shall be shown on the plans submitted for the building permit application for the building containing the system.

F. Permitting requirements for Tier 2 solar energy systems. All Tier 2 solar energy systems shall be permitted in all zoning districts except the RA-5 and RA-9 Zoning Districts as accessory structures, subject to the following conditions:

(1) Glare. All solar panels shall have antireflective coating(s).

(2) Setbacks. Tier 2 solar energy systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district, except that they shall be set back no less than 10 feet from any property line. In RA and RB Zoning Districts all ground-mounted solar energy systems shall only be installed in the side or rear yards.

(3) Height. Tier 2 solar energy systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district.

(4) Screening and visibility.

(a) All Tier 2 solar energy systems shall have views minimized from adjacent properties to the extent reasonably practicable.

(b) Solar energy equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.

(5) Lot size. Tier 2 solar energy systems shall comply with the existing lot size requirement specified for accessory structures within the underlying zoning district.

(6) Lot coverage. The surface area covered by Tier 2 solar energy systems shall be included in the total lot coverage permitted within the underlying zoning district.

G. Permitting requirements for Tier 3 solar energy systems. All Tier 3 solar energy systems are permitted through the issuance of a special use permit within RA-40, RA-60, C-2 and LI Zoning Districts, and subject to site plan application requirements set forth in this section.

(1) Applications for the installation of Tier 3 solar energy systems shall be reviewed by the Building Inspector or Village Engineer for completeness and then referred with comments to the Board of Trustees, which will then refer the application to the Planning Board. Applicants shall be advised of the completeness of their application or any deficiencies that must be addressed prior to substantive review.

(2) Special use permit application requirements. For a special permit application, the site plan application is to be used as supplemented by the following provisions:

(a) If the property of the proposed project is to be leased, legal consent of all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.

(b) Plans showing the layout of the solar energy system signed by a professional engineer or registered architect.

(c) A one- or three-line electrical diagram detailing the solar energy system layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

(d) A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters

that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

(e) Property operation and maintenance plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.

(f) Any application under this section shall meet any substantive provisions contained in the site plan and special permit sections of this Code as, in the judgment of the Planning Board, are applicable to the system being proposed.

(g) The Planning Board or Board of Trustees may impose conditions on its approval of any special use permit under this section in order to enforce the standards referred to in this section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

(h) Decommissioning plan. A decommissioning plan generally in a form to be provided by the Village and signed by the owner and/or operator of the solar energy system shall be submitted by the applicant as part of the special permit application, addressing the following:

[1] The cost of removing the solar energy system.

[2] The time required to decommission and remove the solar energy system and any ancillary structures.

[3] The time required to repair any damage caused to the property by the installation and removal of the solar energy system.

[4] A tree restoration plan, restoring the decommissioned area to a condition similar to the condition that existed prior to the installation. Recognizing that mature plantings cannot be easily relocated, the Planning Board may exercise discretion in determining the number, caliper, type and location of plantings in reviewing any such plan, but all plantings shall be native noninvasive species.

(3) Special use permit standards.

(a) Height and setback. Large-scale solar energy systems shall adhere to the height and setback requirements of the underlying zoning district.

(b) Lot size. Large-scale energy systems shall be located on lots with a minimum lot size of four acres.

(c) Lot coverage.

[1] The following components of a Tier 3 solar energy system shall be considered included in the calculations for lot coverage requirements:

[a] Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

[b] All mechanical equipment of the solar energy system, including any pad-mounted structure for batteries, switchboard, transformers, or storage cells.

[c] Paved access roads servicing the solar energy system.

[2] Lot coverage of the solar energy system, as defined above, shall not exceed the maximum lot coverage requirement of the underlying zoning district.

(d) Fencing. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a fence, as required by NEC, with a self-locking gate to prevent unauthorized access. Warning signs with the owner or operator's contact information shall be placed on the entrance and perimeter of the fencing. The type and height of fencing shall be determined as part of the site plan and special permit review. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts.

(e) Lighting. Lighting of the solar energy systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

(f) Tree cutting. Tree removal shall be subject to the permit requirements of Chapter 208.

(g) Underground requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

(h) Vehicular paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

(i) Signage.

[1] No signage or graphic content shall be displayed on the solar energy systems except the manufacturer's name, equipment specification information, safety information, and twenty-four-hour emergency contact information.

[2] As required by the National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light-reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers

and substations.

(j) Glare. All solar panels shall have antireflective coating(s).

(k) Screening and visibility.

[1] Solar energy systems smaller than 10 acres shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.

[2] Solar energy systems larger than 10 acres shall be required to:

[a] Conduct a visual assessment of the visual impacts of the solar energy system on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including, for example, a digital viewshed report, may be required to be submitted by the applicant.

[b] Submit a screening and landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of solar panels and solar energy equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible. The screening and landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Village.

(l) Conditions. The following shall be conditions of all special permits issued for Tier 3 solar energy systems.

[1] Ownership changes. If the owner or operator of the solar energy system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the solar energy system shall notify the Zoning Enforcement Officer of such change in ownership or operator within 30 days of the ownership change.

[2] Solar energy systems that have been abandoned as reasonably determined by the Building Inspector for a period of one year shall be removed at the owner's and/or operator's expense in accordance with the decommissioning plan.

[3] Lien. In the event of default of the owner or operator in the performance of removal of a solar energy system and/or complying with the requirements of the decommissioning plan, after proper notice, the Village shall be entitled to arrange for removal or decommissioning and restoration of the property in accordance with the decommissioning plan, and the cost of same incurred by the Village shall constitute a lien on the owner's real property.

H. Safety.

(1) Solar energy systems and solar energy equipment shall be certified under the applicable electrical and/or building codes as required.

(2) Solar energy systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 solar energy system is located in an ambulance district, the local ambulance corps.

(3) If storage batteries are included as part of the solar energy system, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Village and any applicable federal, state, or county laws or regulations.