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§ 230-20.3 Use regulations for Gateway areas.
[Amended 6-4-2012 by L.L. No. 1-2012]

- A. Permitted uses. Unless otherwise specified in this chapter, the uses permitted in the Gateway District areas shall be the same as those permitted in the underlying zoning district.
- B. Special permit uses. The uses permitted in the Gateway District areas by special permit shall be the following:
 - (1) Unless otherwise specified in this chapter, all special permit uses permitted in the underlying zoning district (subject to the underlying districts' requirements and criteria) shall be permitted in the Gateway District areas by special permit of the Village Board of Trustees.
 - (2) Farmers markets, green markets or garden centers by special permit of the Village Board of Trustees, subject to the requirements and criteria set forth in Article X of this chapter.
 - (3) In the Harmon/South Riverside Gateway District area, mixed-use or multifamily residential buildings, 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: **[Amended 11-1-2022 by L.L. No. 13-2022]**
 - (a) Notwithstanding any other provision of this chapter to the contrary, for the purposes of this Article IVA, "mixed use" shall mean a combination in one building of residential dwelling units and other permitted and/or special permit uses; 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. ~~No more than 50% of the total number of dwelling units in a building may be two-bedroom units.~~
 - (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 or multifamily residential buildings in the Harmon/South Riverside Gateway area. 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 minimum front yard setback shall be 15 feet. The maximum front yard setback shall be 20 feet. 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.

- [4] The Village Board shall have the authority in conducting special permit review to reduce or waive side 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 property(ies).
 - [c] Reducing the setback(s) will contribute to the building forming a more unified, cohesive streetscape with adjoining buildings than would otherwise be the case.
- [5] With the exception described below, preexisting buildings which do not meet the front yard setback required herein (15 feet to 20 feet) or any of the other area requirements of this chapter (e.g., rear yard setback) shall not be permitted to have a FAR of 0.8 nor to add third-story occupancy. They shall be governed by the FAR and story limitations of their underlying zone; provided, however, that preexisting buildings which are otherwise area-compliant, but whose front yard setback is between 10 feet and 20 feet (instead of the required 15 feet to 20 feet) shall be permitted to have a FAR of 0.8 and third-story occupancy.
- (c) Design regulations. In addition to any other design regulations provided in this Code, the following design guidelines shall apply to mixed-use buildings in the Harmon/South Riverside Gateway area:
 - [1] The street level facade of the front of any building shall consist of at least 60% transparent glass to facilitate visibility into the building's first-floor commercial premises and a retail streetscape look. 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 corner.
 - [2] Mixed-use buildings in the Harmon/South Riverside Gateway area shall be subject to such additional design guidelines as may be adopted by resolution of the Board of Trustees from time to time.
- (d) Parking.
 - [1] Notwithstanding any other provision of this Code to the contrary, for mixed-use and multifamily residential buildings in the Harmon/South Riverside Gateway area there shall be provided at least the following amount of parking for each residential dwelling unit: one parking space plus one additional parking space for each bedroom in the unit in excess of one bedroom. (Examples: studio apartment: one space; one-bedroom apartment: one space; two-bedroom apartment: two spaces.) The minimum parking for nonresidential 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 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 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 municipal parking.

- [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.
- (4) In the Municipal Place Gateway District area, on any lot in the C-2 District having frontage on Municipal Place, adjacent to a residential zoning district and having less than three acres, attached single-family homes, multifamily residential buildings and mixed occupancy 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: **[Added 3-2-2020 by L.L. No. 4-2020]**
 - (a) Notwithstanding any other provision of this chapter to the contrary, "mixed occupancy" permitted under this section shall mean a combination in one building of residential dwelling units and other permitted and/or special permit uses; provided, however:
 - [1] Nonresidential uses must be located on the first floor.
 - [2] There shall be no restrictions on the amount of nonresidential space on the first floor.
 - (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 a development of attached single-family homes, multifamily residential and mixed occupancy buildings permitted under this section. 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 0.5.
 - [2] Maximum height shall be 35 feet/three stories.
 - [3] The minimum front yard setback shall be 20 feet. The maximum front yard setback shall be 25 feet.
 - [4] On the property located at 41-51 Maple Avenue and known as Sheet 72.12, Block 3, Lot 3, there shall be a minimum fifty-foot setback from adjacent residential properties on Wells Avenue and Beekman Avenue, which shall remain vegetated.
 - [5] The property should have only one curb cut, not located on Municipal Place, and located as far from the Municipal Place intersection as practicable.
 - (c) Open space. Ten percent of the total area of the site shall be used to create a publicly accessible open space located adjacent to and connected to Municipal Place; provided, however, that the Village Board of Trustees shall have the discretion as part of its special permit review to reduce the area of such open space, provided the Village Board determines other public benefits have been provided as part of the development or design of the open space. Design of the public space shall include at least the following elements, and shall be evaluated by the Planning Board as part of site plan review:
 - [1] Paths and benches that connect the site to the street, adjacent sidewalks, and adjacent crosswalks on Municipal Place.
 - [2] Design improvements to establish a gateway to the area such as enhanced lighting, landscaping, and gateway signage.
 - (d) Parking and traffic.
 - [1] Notwithstanding any other provision of this Code to the contrary, for residential or mixed-occupancy

buildings permitted under this section, 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 Village Board of Trustees, as part of its special permit determination, shall have the authority to increase these parking requirements. 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 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] 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 and traffic impact study.
- (5) In the North End Gateway District area on any lot where the underlying zoning is Limited Office O-1 District, multifamily 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: **[Added 3-7-2022 by L.L. No. 3-2022]**
- (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 subsection 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 multifamily 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 multifamily residential building in the North End Gateway area overlaying the Limited Office O-1 District having five to nine 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 multifamily 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 multifamily 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 multifamily 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 nonresidential 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.
- C. Prohibited uses. Notwithstanding uses otherwise permitted by the underlying zoning district, the following uses shall be prohibited in all the Gateway District areas:
- (1) Commercial parking lots.
 - (2) Automobile storage lots.
 - (3) Drive-through windows for commercial establishments.
 - (4) Automobile or other vehicle dealerships.