

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

**A LOCAL LAW TO AMEND AND UPDATE VARIOUS PROVISIONS OF CHAPTER 230,
ZONING, OF THE CODE OF THE VILLAGE OF CROTON-ON-HUDSON**

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

Section One. Section 230-4, Terms defined, of the Zoning Law of the Village of Croton-on-Hudson is hereby amended to add the following definitions:

ACCESSORY COTTAGE

A dwelling unit in a new or existing accessory structure located on the same lot as a detached single-family residence, which is subordinate to the principal single-family dwelling in terms of size, location and appearance and provides complete housekeeping facilities for one family, including independent cooking, bathroom and sleeping facilities.

BOARDER or ROOMER

A person who permanently occupies a room in a single-family dwelling unit for sleeping purposes for which they pay compensation to the property owner.

MANUFACTURED HOME

A structure, transportable in one or more sections constructed off-site, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and complies with the requirements set forth in § 601 of the Executive Law. The term "manufactured home" shall not include any trailer as defined herein.

Section Two. Section 230-4, Terms defined, of the Zoning Law of the Village of Croton-on-Hudson is hereby amended to modify the following definitions as follows (see strike-through for deleted text and underline for added text):

BUILDING

Any combination of materials forming any construction. The term "building" shall include the term "structure" as well as the following:

- A. Signs.
- B. Fences over six feet in height and more than 25% solid.
- C. Walls, other than retaining walls, over five feet in height.
- D. Radio and television antennas, except for such antennas installed on the roof of a building and extending not more than 15 feet above the highest level of the roof of such building.
- E. Pergolas, porches, outdoor bins and other similar structures.
- F. Swimming pools either contemplated by § ~~230-9.1A(6)~~ or conforming to § ~~230-9.1A(10)(c)~~.
- G. Fallout shelters.
- H. Retaining walls.
- I. Garages.
- J. Sheds.

FLOOR AREA, HABITABLE

All spaces within the exterior walls of a dwelling unit exclusive of garages, cellars, ~~heater rooms,~~ utility rooms, unheated porches and breezeways, but shall include all spaces not otherwise excluded, such as habitable basements, principal rooms, ~~utility rooms,~~ bathrooms and all closets and hallways opening directly into and appurtenant to any rooms within the dwelling unit, and all attic space having clear height of seven feet six inches or greater from finished floor level to ceiling level over 50% of the area of such attic space.

TRAILER

A vehicular camping unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is mounted on or towed by another vehicle. Any vehicle mounted on wheels, movable either by its own power or by being drawn by another vehicle and equipped to be used for living or sleeping quarters or so as to permit cooking. The term "trailer" shall include such vehicles if mounted on temporary or permanent foundations with the wheels removed. The term "trailer" shall include camping trailers, fifth-wheel trailers, park trailers, travel trailers, truck campers, mobile homes, recreational vehicles, motor homes, campers, and other similar vehicles. The term "trailer" shall not include any manufactured home as defined herein.

Section Three. Section 230-9.1, One-Family Residence RA-60 District, of the Zoning Law of the Village of Croton-on-Hudson is hereby amended to revise subsection A(10)(e) as follows (see underline for added text):

(e) Keeping not more than one boarder or roomer, subject to the requirements set forth in § 230-48.5.

Section Four. Section 230-13, Two-Family Residence RB District, of the Zoning Law of the Village of Croton-on-Hudson is hereby revised to repeal subsection C in its entirety.

Section Five. Section 230-16, Central Commercial C-1 District, of the Zoning Law of the Village of Croton-on-Hudson is hereby revised to amend subsection A(1) as follows (see strike-through for deleted text):

- A. In a Commercial C-1 District, no building or premises shall be used and no building or part of building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:
 - (1) Retail stores and banks, except that no ~~cannabis shop, or~~ vape or tobacco shop, shall be permitted within 500 feet of the property line of the Pierre Van Cortlandt Middle School and Croton-Harmon High School and may not be located within 500 feet of any other ~~cannabis shop, or~~ vape or tobacco shop.

Section Six. Section 230-40, Supplementary regulations applicable to residence districts, of the Zoning Law of the Village of Croton-on-Hudson is hereby amended to add a new Subsection I, Manufactured Homes, to read as follows:

I. Manufactured Homes.

- (1) In accordance with § 616 of the Executive Law, a manufactured home affixed to a permanent foundation shall be considered a one-family detached dwelling for purposes of this Zoning

Law, provided that such manufactured home conforms with the identical development specifications and standards generally applicable to a site-built one family residence as required by the Zoning Law and the Code of the Village of Croton-on-Hudson. Such development specifications and standards include, but are not limited to, conformance with general aesthetic and architectural standards, parking requirements, the bulk and area requirements of the underlying zoning district, and receipt of minor site plan approval in accordance with Article **XI** of this Chapter. The use of skirting and perimeter enclosures shall be included in the design of any manufactured home proposed within the Village.

Section Seven. Section 230-41, Accessory apartments, of the Zoning Code of the Village of Croton-on-Hudson is hereby amended to revise subsection B as follows (see underline for added text):

- B. An accessory cottage shall comply with all requirements of this chapter applicable to accessory structures, except that any such structure shall have a minimum setback from all property lines of 10 feet and the maximum height of 15 feet for any such structure shall be measured in the same manner as a single-family dwelling as set forth in § 230-4C. An accessory cottage may be located in a conforming accessory structure existing as of the date of this section having a setback to any property line of less than 10 feet.

Section Eight. Article VII, Supplementary Regulations, of the Zoning Law of the Village of Croton-on-Hudson is hereby amended to add a new Section 230-48.5 entitled “Boarders” to read as follows:

§ 230-48.5. Boarders.

- A. Boarders permitted. One non-transient boarder or roomer shall be permitted to occupy a room within a single-family or two-family dwelling upon the issuance of a boarder permit by the Village Engineer, provided that the following conditions are met:
- (1) The owner of the dwelling must occupy as a principal residence the premises for which permission is sought to house a boarder.
 - (2) The dwelling shall not contain an accessory apartment, nor may any accessory cottage exist on the subject property.
 - (3) The sleeping room utilized by the boarder shall have not less than 100 square feet of floor area, exclusive of closet space.
 - (4) The dwelling shall comply with this chapter and all applicable building, fire, electrical, health and other safety codes.
 - (5) The dwelling space occupied by the boarder shall not have independent cooking facilities. Food storage and microwave ovens are permitted after issuance of a boarder permit by the Village Engineer. Refrigerated food storage shall be limited to a six-cubic-foot-capacity storage unit. Microwave ovens shall be utilized on a table or bench not to exceed 36 inches in height.
 - (6) No boarder permit shall be issued unless the subject application is reviewed and approved by the Village Engineer. The Village Engineer may require a physical

inspection of the property to ascertain the adequacy of the structure to accommodate such boarding use, and the adequacy of the site to provide appropriate off-street parking facilities.

(7) Every application for a boarder permit shall be accompanied by a fee set by resolution of the Board of Trustees.

B. The Village Engineer shall establish all forms, rules and regulations necessary to administer the provision of this section. A record of all permits shall be kept in the office of the Village Engineer.

C. All owners of dwellings that house a boarder as of the effective date of this section shall apply to the Village Engineer for a boarder permit within 90 days of the effective date of this section. If the application is made within 90 days, the owner of the dwelling shall not be deemed in violation of this section until a final determination on the application has been made. If the application is not made within 90 days, the owner of the dwelling shall be deemed in violation of this subsection.

D. A boarder permit shall expire automatically upon change of ownership of the dwelling or when the owner ceases to reside in the dwelling. In such event, the boarder shall be permitted to reside in the dwelling for 60 days if the owner of the dwelling so consents, unless the Village Engineer approves an additional extension of time.

(1) If a dwelling with a valid boarder permit is sold or transferred, the new owner may, within 60 days from the taking of title, apply for a boarder permit. All the conditions set forth in this section must be met. A new owner shall not be deemed in violation of this section provided an application is submitted within the 60-day period.

(2) Should the new owner house a boarder but fail to apply for a boarder permit within 60 days from the taking of title, the new owner shall be deemed in violation of this chapter. In addition, the new owner shall be precluded from applying for a boarder permit for a period of one year from the date on which title was transferred.

E. Any property owner who houses a boarder and fails to obtain a boarder permit or who violates any provision of this section or regulation promulgated thereunder shall be guilty of an offense punishable by a fine of not more than \$500 upon conviction of a first offence, and, for the second and each subsequent conviction, by a fine of not more than \$1,500. Each month's continued violation shall constitute a separate additional violation. The Village Engineer may revoke the boarder permit of any owner who violates any provision of this section.

Section Nine. Section 230-67B, Uses and actions subject to site plan approval and minor site plan approval, of the Zoning Law of the Village of Croton-on-Hudson is hereby amended as follows (see underline for added text):

B. Minor site plan approval shall be required in all districts for:

(1) Any new construction of a residential building, including a manufactured home in accordance with §230-40I. The construction of residential decks and patios, walkways and gardens are not subject to site plan review.

Section Ten. Section 230-17, General Commercial C-2 District, of the Zoning Law of the Village of Croton-on-Hudson is hereby amended to revise subsection A(1) as follows (see underline for added text):

A. Permitted uses. No building or premises shall be used and no building or part of building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

(1) Any use permitted in a Commercial C-1 District, as set forth in § **230-16A**, and subject to the regulations therefor, but for properties not within the Harmon/South Riverside area of the Gateway Overlay District, no retail stores larger than 7,500 square feet in area shall be permitted except by special permit of the Village Board of Trustees. Such retail stores in all former C-1 Districts prior to the date of the adoption of this section shall be deemed to have special permits; however, any retail store with a current special permit requiring periodic renewal shall continue to require renewal in accordance with its terms.

Section Eleven. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions thereof, which other portions shall continue in full effect.

Section Twelve. Effective Date.

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