

## **PUBLIC HEARING NOTICE**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 20<sup>th</sup> day of March, 2017, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear, discuss and to act upon an amendment to Chapter 305 entitled "Zoning". A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

**A LOCAL LAW** to amend the Code of the Village of Tarrytown, Chapter 305 entitled "Zoning", Article II, Definitions and Word Usage, Article VII, Commercial Zones and Article XV, Compatible Use Permits

### **SECTION 1. PURPOSE.**

A number of municipalities in Westchester County have either commenced the process to review their Office Building and associated zoning districts or have actually completed the process and have modified the Zoning Districts to reflect the current real estate market. The Board of Trustees made the decision to commence a review of the Office Building and Mixed Use Zoning Districts, which are the two Zoning Districts in the Village that encompass office buildings. A consultant, working in collaboration with the Planning Board, reviewed the two Zoning Districts and have issued recommendations for modifications to the Zoning Districts and the Board of Trustees is desirous of determining whether the modifications should be incorporated in the Village Code.

Material to be deleted appear in cross out, material to be added is in **bold typeface**.

### **SECTION 2. AMENDMENT TO ARTICLE II. DEFINITIONS AND WORD USAGE.**

§ 305-5: Word usage; terms defined.

#### **ACCESSORY STRUCTURES**

**A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.**

#### **COFFEE ROASTERY, MICROBREWERY, MICROWINERY**

**A facility in which coffee, beer, or wine is roasted, brewed, fermented or distilled for distribution and consumption. May include a tasting room and retail space to sell beverages produced on site.**

#### **HEALTH CLUB**

**An establishment that provides facilities for aerobic exercise, exercise equipment, game courts, swimming facilities and similar purposes.**

## **MAKER SPACE**

**A community craft studio that may include tools and machines for artisan craft making and may offer craft making instruction.**

## **PERSONAL SERVICE ESTABLISHMENTS**

**Establishments primarily engaged in providing services involving the care of a person or his/her apparel.**

## **SECTION 3. AMENDMENT TO ARTICLE VII. COMMERCIAL ZONES**

### **§ 305-34 Office Building OB Zone.**

In the Office Building OB Zone, all uses shall be subject to site plan approval by the Planning Board. All permitted buildings, structures and paved areas shall be at least 100 feet from the right-of-way of any public street or any residential zoning district. All permitted buildings, structures and paved areas shall be set back 50 feet from any nonresidential zoning district and from other property boundaries. No wall of any building shall exceed 40% in height of the distance between it and its closest point to any street or property line.

#### **A. Permitted principle uses.**

- (1) **Religious institutions.** ~~Churches, synagogues, parish houses or buildings for Sunday school or for religious education.~~
- (2) Municipal uses.
- (3) ~~Private or cooperative limited membership~~ **Health clubs**, community centers, recreation centers ~~or~~ **and** clubhouses.
- (4) Executive business sales, accounting and general offices and research laboratories, subject to the following conditions:
  - (a) Except as related to permitted accessory uses, there shall be no display or sale of goods at retail.
  - (b) No machinery or equipment shall be installed and no labor engaged for manufacturing purposes except as provided under accessory uses, and all mechanical and other apparatus and manual services employed in such use shall be devoted to scientific research, experimentation and development.
  - (c) Except as related to permitted accessory uses, there shall be no commercial manufacture on the premises of articles for sale, except with respect to small quantities of test, experimental or trial products, models or prototypes which may be produced in accordance with the provisions of this chapter related to accessory uses and except prototype items which may be called for specifically in development contracts undertaken for government or commercial agencies where

such development contracts call for the delivery of such prototypes to confirm or exhibit the development work conducted.

- (d) No offensive noises, gases, fumes, odors, vibrations or radio, electric or electronic emanations shall emanate from such use and no waste products shall be discharged therefrom of a character to create a nuisance.
  - (e) No radioactive materials shall be kept or used on the premises except experimental quantities, the keeping and use of which shall be licensed by and shall conform to all applicable governmental regulations.
- (5) Training schools for the training of management, sales, research, financial or other executive office personnel and for the performance of historical, economic and other research not of a biological or technological character.

**(6) Medical and dental offices.**

**(7) Health clubs.**

~~-(6) Telephone exchanges.~~

~~(7) Conferences centers. No conference center will be permitted within the OB Zone unless a compatible use permit is obtained from the Village of Tarrytown Board of Trustees. A "conference center" for the purposes of this section shall mean a hotel, motel or inn which provides meeting rooms, recreation facilities and/or dining facilities which may be open to the general public for catering activities. Furthermore, any compatible use permit for a conference center will have the following conditions: [Added 11-2-2009 by L.L. No. 9-2009]~~

- ~~(a) At least 60% of the meeting space shall be dedicated as "single purpose conference space" to be used exclusively for meetings, retreats and conferences. This space is not to be used for ancillary food and beverage functions of a social or public nature;~~
- ~~(b) At least 60% of the total revenue from guest rooms, meeting space, food and beverage, conference technology (audio and video) and conference services shall be derived from corporate conferences, retreats, association and other group activities;~~
- ~~(c) The average conference group shall be 75 or less participants;~~
- ~~(d) The conference center shall offer and actively promote package plans which includes conference rooms, guest rooms, three meals, continuous refreshment services, conference services and conference technology;~~
- ~~(e) The conference center shall have dedicated conference rooms which are separate from the living (guest room), dining and leisure areas, and said conference rooms shall contain unobstructed interior views;~~

- ~~(f) The conference center shall have at least one dedicated conference room which contains a minimum of 1,000 square feet and three additional dedicated conference rooms which do not have movable walls;~~
- ~~(g) The conference center shall have a staffed business services desk and shall host upper level management meetings and educational and training seminars;~~
- ~~(h) All guest rooms shall be separate from the conference and leisure areas;~~
- ~~(i) The conference center shall maintain central refreshment break stations separate from traditional dining rooms and/or restaurants for all conference attendees and these are to be located in fixed general access areas for multiple/different conference events;~~
- ~~(j) The conference center shall maintain at least 1,000 square feet of natural features per guest room. Natural features shall include but shall not be limited to landscaping, gardens, lawns, trees, shrubbery, plantings and/or such items of a natural quality. These areas should be readily accessible for guests of the conference center.~~

**B. Permitted accessory uses.**

All accessory uses shall be at least 150 feet away from any street or property line, except as noted elsewhere in this section.

~~(1) Permitted accessory uses.~~

- ~~(a) The raising of ornamental and food crops for use only by occupants of such property.~~
- ~~(b) Noncommercial greenhouses for personal use only, on any lot in excess of 6,000 square feet in the rear yard only, provided that they do not exceed 2% of the lot area in ground coverage.~~
- ~~(c) The keeping of dogs and cats as household pets, provided that the total number of such pets shall not exceed five animals over the age of six months.~~
- ~~(d) The keeping of not more than two boarders or lodgers by a resident family or person.~~
- ~~(e) Customary incidental home occupations conducted solely by persons residing on the premises.~~
- ~~(f) Professional offices or studios of artists, architects, dentists, doctors or engineers residing on the premises.~~
- ~~(g) Accessory private garage spaces.~~
- ~~(h) Organized child care facilities, including but not limited to nursery schools and day-care centers, designed and licensed by the State of New York to conduct the care and feeding of children of preschool and elementary school age, subject to site plan~~

approval by the Planning Board.

- ~~(i)~~ (a) Swimming pools. (See §305-54.)
- ~~(j)~~ Tents, trailers, boats, recreation vehicles and mobile homes. (See §305-55.)
- ~~(k)~~ Solar heating devices. (See §305-56.)
- ~~(l)~~ Wind energy devices. (See §305-57.)
- ~~(m)~~ (b) Tennis courts. (See §305-58.)
- ~~(n)~~ (c) Other accessory structures, such as toolhouses, a child's playhouse, wading pools, outdoor fireplaces or drying yards, not to be located in any front yard or to be nearer to any side or rear lot line than the distance specified by the yard requirements, provided that they shall not exceed 1% of the total lot area in ground coverage.
- ~~(o)~~ (d) **Personal service establishments.** Within the principal structure, restaurants, barbershops, beauty parlors, newsstands, vehicle parking and private garage space, as further regulated herein, for the use of executives, employees, visitors and invitees to the principal structure or use. Parking shall be permitted in the basement levels and in the lower two levels or stories of any permitted principal use. All such parking shall be completely indoors and substantially enclosed other than for ventilation purposes, and no unenclosed parking shall be permitted on rooftops.
- (p) Overnight lodging for visitors. Where lodging is provided, not more than two persons shall be accommodated in any bedroom.
- (q) Recreation facilities for the exclusive use of employees and their families, provided that all facilities are at least 200 feet from any property line.
- ~~(r)~~ (e) Parking lots and garage spaces for executives, employees and visitors and invitees thereto, provided that none shall be closer than 50 feet to any street or property line.
- ~~(s)~~ In service training schools for employees.
- ~~(t)~~ (f) On lots of 10 or more acres having thereon three or more principal buildings, a central heating and power plant accessory to the principal use and service of all structures on the premises, provided that the chimney thereof shall be of such height and design as may be certified by a qualified engineer as in accord with accepted engineering practices.
- ~~(u)~~ (g) **Enclosed** maintenance and utility shops and storage facilities incidental to the principal use.
- ~~(v)~~ (h) Assembly halls for meetings incidental to the business of the principal use or for civic meetings, provided that no rental charge is made therefor, and provided further

that at the time of such use for any meeting, there shall be available parking space for all persons in attendance ~~at any such meeting.~~

~~(w) Accessory single family dwellings, provided that each such dwelling shall be situated on a clearly defined portion of the principal lot shown on the site plan and shall have an area of not less than 10,000 square feet and shall front on an access driveway having a width of not less than 20 feet which shall provide access to a public street, and provided further that the space between any two such dwellings shall be not less than 40 feet at any point and that no accessory profession or home occupation shall be permitted therein, and provided further that at least two off street parking spaces or parking bays shall be provided convenient to each such dwelling and that no parking of any vehicles on any access drive shall be permitted at any time unless such drive has a width of 30 feet, and then only on one side thereof.~~

~~(x) On lots of 10 or more acres under a single use, residential facilities for training purposes.~~

~~(y) (i) Restaurants and cafeterias for supplying meals only to employees and guests of the principal use.~~

(j) In connection with the principal use of any lot for a research laboratory, the operation of what are customarily known as "pilot experimental facilities" for processing or assembling units or products resulting from research, experimental and developmental work on one premises of such laboratory or for the assembly of other related units or tools incidental thereto shall be permitted, provided that:

[1] The processing or assembling thereof requires the participation primarily of the technical staff of such laboratory.

[2] Such assembled or processed experimental units shall consist only of small quantities of test or trial products, models or prototypes of newly developed or redesigned products for the purposes of testing the characteristics and qualities of such products and/or their consumer acceptance or of determining the technical feasibility of using the product design or assembly process on a full-scale repetitive production basis.

[3] Such pilot assembly or processing facilities shall not occupy an area greater than 10% of the total area of the lot.

~~(2) Additional provisions:~~

~~(a) All accessory uses shall be at least 150 feet away from any street or property line, except as noted elsewhere in this section.~~

~~(b) The total gross square feet of floor area allowed for any and all purposes shall not~~

exceed that area arrived at by multiplying the percentage of building coverage by the lot area and multiplying the results by the permitted number of stories. This shall be known as the "gross floor area." The sole exception shall be for parking within the structure, which shall be unlimited except as set forth in the provisions of this chapter. The maximum coverage of all buildings, structures and paved areas shall be 45% of the buildable site area. Buildable site area shall be determined by subtracting from the total lot area 50% of the area of the wetlands and steep slopes (25% or greater) on the site. The maximum total coverage of all buildings and structures shall be 12% of the buildable site area, as defined above. Building coverage may be increased up to 17%, at a ratio of an additional 1% of building coverage for each additional 5% of parking enclosed in garages exceeding the minimum of 20% as shown below:

<b>Percentage of Parking Enclosed</b>	<b>Permitted Building Coverage</b>
20%	12%
25%	13%
30%	14%
35%	15%
40%	16%
45%	17%

In connection with the principal use of any lot for a research laboratory, the operation of what are customarily known as "pilot experimental facilities" for processing or assembling units or products resulting from research, experimental and developmental work on one premises of such laboratory or for the assembly of other related units or tools incidental thereto shall be permitted, provided that:

- [1] The processing or assembling thereof requires the participation primarily of the technical staff of such laboratory.
- [2] Such assembled or processed experimental units shall consist only of small quantities of test or trial products, models or prototypes of newly developed or redesigned products for the purposes of testing the characteristics and qualities of such products and/or their consumer acceptance or of determining the technical feasibility of using the product design or assembly process on a full-scale repetitive production basis.
- [3] Such pilot assembly or processing facilities shall not occupy an area greater than 10% of the total area of the lot.

C. Uses requiring compatible use permits.

- (1) ~~A public, sectarian or private~~ Elementary or secondary school, college, university, theological or trade or industrial school with or without assembly and residence halls with customary incidental facilities, ~~whether or not operated for gain or profit.~~ (See §305-128.)
- (2) ~~Institutional housing.~~ Congregate housing, adult homes and group homes (See §305-127.)
- (3) **Residential development subject to the following conditions:**
  - (a) **Attached and/or detached single family homes and townhouses (1 unit per lot).**
  - (b) **Min. lot area: 20,000 sf per lot.**
  - (c) **Maximum gross floor area: 5,200 sf/unit, consistent with the gross floor area maximum for R-20 residential development (see §305-25).**
- (4) **Organized child-care facilities, including but not limited to nursery schools and day-care centers, designed and licensed by the State of New York to conduct the care and feeding of children of preschool and elementary school age, subject to site plan approval by the Planning Board.**
- (5) Conferences centers. A “conference center” for the purposes of this section shall mean a hotel, motel or inn which provides meeting rooms, recreation facilities and/or dining facilities which may be open to the general public for catering activities. Conference centers shall be subject to the following conditions:  
[Added 11-2-2009 by L.L. No. 9-2009]
  - (a) At least 60% of the meeting space shall be dedicated as "single purpose conference space" to be used exclusively for meetings, retreats and conferences. This space is not to be used for ancillary food and beverage functions of a social or public nature;
  - (b) At least 60% of the total revenue from guest rooms, meeting space, food and beverage, conference technology (audio and video) and conference services shall be derived from corporate conferences, retreats, association and other group activities;
  - (c) The average conference group shall be 75 or less participants;
  - (d) The conference center shall offer and actively promote package plans which includes conference rooms, guest rooms, three meals, continuous refreshment



services, conference services and conference technology;

- (e) The conference center shall have dedicated conference rooms which are separate from the living (guest room), dining and leisure areas, and said conference rooms shall contain unobstructed interior views;
- (f) The conference center shall have at least one dedicated conference room which contains a minimum of 1,000 square feet and three additional dedicated conference rooms which do not have movable walls;
- (g) The conference center shall have a staffed business services desk and shall host upper-level management meetings and educational and training seminars;
- (h) All guest rooms shall be separate from the conference and leisure areas;
- (i) The conference center shall maintain central refreshment break stations separate from traditional dining rooms and/or restaurants for all conference attendees and these are to be located in fixed general access areas for multiple/different conference events;
- (j) The conference center shall maintain at least 1,000 square feet of natural features per guest room. Natural features shall include but shall not be limited to landscaping, gardens, lawns, trees, shrubbery, plantings and/or such items of a natural quality. These areas should be readily accessible for guests of the conference center.

**(6) Maker Space.**

**(a) Uses permitted within maker spaces shall include:**

- [1] Light manufacturing work space**
- [2] Artist studios**
- [3] Craft making instruction**

**(b) Common/shared spaces including work areas, lounge areas and conference rooms shall be permitted.**

**(c) Outdoor storage of materials and equipment is not permitted.**

**(7) Coffee Roasters, Microbreweries and Microwineries.**

**(a) Outdoor storage of materials and equipment is not permitted.**

~~D. Minimum lot area: 435,600 square feet.~~

**D. Additional provisions.**

- (1) Minimum lot area: 435,600 square feet (10 acres)

(2) Maximum gross floor area:

(a) **Office and commercial uses:** The total gross square feet of floor area allowed for any and all ~~development~~ **office and commercial uses** purposes shall not exceed ~~that area arrived at by multiplying the percentage of building coverage multiplied by the lot area, and multiplying the results by the permitted~~ **multiplied by the permitted** number of **building** stories. ~~This shall be known as the "gross floor area."~~ The sole exception shall be for parking within the structure, which shall be unlimited except as set forth in the provisions of this chapter.

(b) **Residential development:** The total gross square feet of floor area allowed for residential development shall not exceed 5,200 sf/unit, consistent with the maximum gross floor area for R-20 residential development (see §305-25).

(3) Maximum lot coverage. The maximum **lot** coverage of all buildings, structures and **impervious** paved areas shall be 45% of the buildable site area. ~~Buildable site area shall be determined by subtracting from the total lot area 50% of the area of the wetlands and steep slopes (25% or greater) on the site.~~

(4) **Maximum building coverage.** The maximum ~~total~~ coverage of all buildings and structures shall be 12% of the buildable site area, ~~as defined above~~. Building coverage may be increased up to 17%, at a ratio of an additional 1% of building coverage for each additional 5% of parking enclosed in garages exceeding the minimum of 20% as shown below. **Gross floor area permitted for buildings with this increased coverage may not exceed the maximum floor area ratios shown below.**

Percentage of Parking Enclosed	Permitted Building Coverage	Maximum Floor Area Ratio
20%	12%	0.36
25%	13%	0.39
30%	14%	0.42
35%	15%	0.45
40%	16%	0.48
45%	17%	0.51

~~(4)~~ (5) Maximum building height: 3 stories/35 feet

**§ 305-35 Mixed Use Zone**

~~The following requirements, standards and conditions shall apply to the Mixed Use MU Zone:~~  
All uses in the MU District require a compatible use permit (See §305-129), with the exception of municipal uses, which are permitted as a principal use.

A. ~~Permitted principal uses.~~ **Uses requiring compatible use permits.**

~~(1) Municipal uses.~~

~~(2) Private or cooperative limited membership~~ (1) Community centers, recreation centers or clubhouses.

~~(3)~~ (2) Executive business sales, accounting and general offices and research laboratories, provided that:

(a) They shall be subject to site plan approval by the Planning Board and the concurrence of the Board of Trustees as set forth in Article XVI.

(b) **Except as related to permitted accessory uses**, there shall be no display or sale of goods at retail ~~except as related to permitted accessory uses.~~

(c) **No** machinery or equipment shall be installed and **no** labor engaged for manufacturing purposes **except only** as provided under permitted accessory uses. All mechanical and other apparatus and manual services employed in such use shall be devoted to scientific research, experimentation and development.

(d) Commercial manufacture on the premises of articles for sale shall only be permitted as follows:

[1] Small quantities of test, experimental or trial products, models or prototypes may be produced in accordance with the provisions of this chapter related to accessory uses.

[2] Prototype items which are called for specifically in development of contracts undertaken for government or commercial agencies to confirm or exhibit the development work conducted may be produced.

[3] No offensive noises, gases, fumes, odors, vibrations or radio, electric or electronic emanations shall emanate from such use.

[4] No waste products of a character which would create a nuisance shall be discharged from the site.

[5] Only experimental quantities of radioactive materials shall be kept or used on the premises, the keeping and use of which shall be licensed by and shall conform to all applicable government regulations.

[6] The treatment of animals or the business of embalming and interring or cremating the dead is prohibited.

~~(4)~~ (3) Multifamily residential facilities.

~~(5)~~ (4) Television and radio stations, commercial athletic recreation facilities, clubs, fraternal societies, banks and motion picture **movie** theaters.

~~(6)~~ (5) Restaurants.

**(6) Medical and dental offices.**

**(7) Organized child-care facilities, including but not limited to nursery schools and day-care centers, designed and licensed by the State of New York to conduct the care and feeding of children of preschool and elementary school age, subject to site plan approval by the Planning Board.**

**(8) Health clubs.**

**(9) Maker Space.**

**(c) Uses permitted within maker spaces shall include:**

**[1] Light manufacturing work space**

**[2] Artist studios**

**[3] Craft making instruction**

**(d) Common/shared spaces including work areas, lounge areas and conference rooms shall be permitted.**

**(c) Outdoor storage of materials and equipment is not permitted.**

**(10) Coffee Roasters, Microbreweries and Microwineries.**

**(a) Outdoor storage of materials and equipment is not permitted.**

B. Permitted accessory uses. The following accessory uses are permitted, provided that they shall be in the principal buildings only, except that parking and utilities serving the principal uses may be housed in separate accessory buildings. All accessory uses may serve the public at large.

**(1) Restaurants and cafeterias, barbershops, beauty parlors and newsstands.**

**(2) Personal service establishments.**

~~(2) Overnight lodgings. Where provided, not more than two persons shall be~~

~~accommodated in any bedroom.~~

~~(3) Recreation facilities.~~

(4) Parking lots **and** garage space.

(5) Maintenance and utility shops and storage facilities incidental to the principal use.

~~(6) Parking lots.~~

~~(7)~~ (6) Assembly halls for meetings incidental to the business of the principal use or for civic meetings, provided that:

(a) No rental charge is made.

(b) At the time of such use for any meeting, there shall be parking spaces available for all persons in attendance.

~~(8) Restaurants and cafeterias.~~

~~(9)~~ (7) Research laboratories and pilot experimental facilities for processing or assembling units or products resulting from research, experimental and developmental work on one premises of such laboratory and for the assembly of other related units, equipment or tools incidental thereto, provided that:

(a) The processing or assembling requires the participation primarily of the technical staff of such laboratory.

(b) Such assembled or processed experimental units shall consist only of small quantities of test or trial products, models or prototypes of newly developed or redesigned products for the following purposes:

[1] Testing the characteristics and qualities of such products and/or their consumer acceptance.

[2] Determining the technical feasibility of using the product design or assembly process on a full-scale repetitive production basis.

(c) Such pilot assembly or processing facilities shall not occupy an area greater than 10% of the total area of the lot.

~~C. Uses requiring compatible use permits. All uses in the MU District require a compatible use permit (See §305-129).~~

D. Additional provisions.

- (1) The provisions of this district shall be applicable to such parcels as may be so designated by the Board of Trustees on the Official Zoning Map of the Village and in addition that:
  - (a) Were zoned OB on the Official Zoning Map of the Village on June 1, 1979.
  - (b) Are at least 50 acres in total size, all such acres being contiguous and sited entirely in the Village.
  - (c) Have no less than 20% of their perimeter fronting on a state highway and no less than 20% of their perimeter bordering on the New York State Thruway.
- (2) ~~No buildings, structures or impervious materials of any sort shall be placed within or upon or within 75 feet of areas designated as wetlands by the Village and other governmental regulations.~~ **Wetlands protections shall be in accordance with Chapter 302 of the Village Code.**

SECTION 4. AMENDMENT TO ARTICLE XV: COMPATIBLE USE PERMITS

§ 305-129. Mixed Use Development.

- A. Declaration of policy. The MU District, allowing mixed-use-type development on qualifying parcels of land in the OB Zone, furthers the following Village goals and objectives:
- (1) To encourage such forms of land development which will promote conservation of remaining open space in the Village and will preserve and enhance natural beauty and resources.
  - (2) To permit suitable development of large parcels of land that may not be topographically or ecologically suitable for development under current zoning.
  - (3) To minimize visual impact on properties adjacent to OB Zones, especially single-family residential zones.
  - (4) To promote sound development that will not overload Village streets or services and will also broaden the tax base of the Village.
- B. Applicability. The provisions of this section shall be applicable to such parcels as may be so designated by the Board of Trustees on the Official Zoning Map of the Village and in addition parcels that:

- (1) Were zoned OB on the Official Zoning Map of the Village on June 1, 1979;
- (2) Are at least 50 acres in total size, all such acres being contiguous and sited entirely in the Village;
- (3) Are under a single ownership; and
- (4) Have no less than 20% of the perimeter fronting on a state highway and no less than 20% of the perimeter bordering on the New York State Thruway.

C. Uses and standards.

~~(1) Principal uses.~~

~~-(a) (1) All uses in the MU District require a compatible use permit (See Article XV), per §305-35.~~

~~(b) Permitted principal uses shall be as follows:~~

~~{1} Municipal uses~~

~~{2} Private or cooperative limited membership community centers, recreation centers or clubhouses~~

~~{3} Executive business sales, accounting and general offices and research laboratories, provided that:~~

~~{a} They shall be subject to site plan approval by the Planning Board and the concurrence of the Board of Trustees as set forth in Article XVI.~~

~~{b} There shall be no display or sale of goods at retail except as related to permitted accessory uses.~~

~~{c} Machinery or equipment shall be installed and labor engaged for manufacturing purposes only as provided under permitted accessory uses. All mechanical and other apparatus and manual services employed in such use shall be devoted to scientific research, experimentation and development.~~

~~{d} Commercial manufacture on the premises of articles for sale shall only be permitted as follows:~~

~~{i} Small quantities of test, experimental or trial products, models or prototypes may be produced in accordance with the provisions of this chapter related to accessory uses.~~

~~{ii} Prototype items which are called for specifically in development contracts undertaken for government or commercial agencies to confirm or exhibit the development work conducted may be produced.~~

~~{iii} No offensive noises, gases, fumes, odors, vibrations or radio, electric or electronic emanations shall emanate from such use.~~

~~{iv} No waste products of a character which would create a nuisance shall be discharged from the site.~~

~~{v} Only experimental quantities of radioactive materials shall be kept or used~~

on the premises, the keeping and use of which shall be licensed by and shall conform to all applicable governmental regulations.

~~[vi] The treatment of animals or the business of embalming and interring or cremating of the dead is prohibited.~~

~~—[4] Multifamily residential facilities.~~

~~—[5] Television and radio stations, commercial athletic recreation facilities, clubs, fraternal societies, banks and motion picture theaters.~~

~~—[6] Restaurants.~~

~~(2) Accessory uses.~~

~~(a) All accessory uses permitted in the MU Zone shall be located in the principal buildings, except that parking and utilities may be housed or enclosed in separate accessory buildings. All accessory uses may serve the public at large.~~

~~(b) Permitted accessory uses shall be as follows:~~

~~[1] Restaurants, barbershops, beauty parlors and newsstands.~~

~~[2] Overnight lodgings. Where provided, not more than two persons shall be accommodated in any bedroom.~~

~~[3] Recreation facilities.~~

~~[4] Garage space.~~

~~[5] Maintenance and utility shops and storage facilities incidental to the principal use.~~

~~[6] Parking lots.~~

~~[7] Assembly halls for meetings incidental to the business of the principal use or for civic meetings, provided that:~~

~~[a] No rental charge is made.~~

~~[b] At the time of such use for any meeting, there shall be parking spaces available for all persons in attendance.~~

~~[8] Restaurants and cafeterias.~~

~~[9] Research laboratories and pilot experimental facilities for processing or assembling units or products resulting from research, experimental and developmental work on one premises of such laboratory and for the assembly of other related units, equipment or tools incidental thereto, provided that:~~

~~[a] The processing or assembling requires the participation primarily of the technical staff of such laboratory.~~

~~[b] Such assembled or processed experimental units shall consist only of small quantities of test or trial products, models or prototypes of newly developed or redesigned products for the following purposes:~~

~~—[i] Testing the characteristics and qualities of such products and/or their consumer acceptance.~~

~~[ii] Determining the technical feasibility of using the product design or assembly process on a full scale repetitive production basis.~~



~~(e) Such pilot assembly or processing facilities shall not occupy an area greater than 10% of the total area of the lot.~~

~~(3)~~ (2) Setbacks.

(a) Building setbacks.

[1] All buildings shall be at least the following distance from the site's property lines:

[a] Where the property line adjoins the New York State Thruway: 50 feet.

[b] Where the property line adjoins New York State Route 119: 100 feet.

[c] For all other property lines: 75 feet.

[2] No one building shall be closer than 50 feet to another building at any point.

[3] There shall be no other side, front or rear yard requirements.

(b) Parking and internal roadway setbacks. Parking and loading spaces and all paved internal roads shall be at least the following distances from the site's property lines:

[1] Where the property line adjoins the New York State Thruway: 25 feet.

[2] Where the property line adjoins New York State Route 119: 50 feet.

[3] Where the property line adjoins a single-family residence zone: 75 feet.

[4] Where the property line adjoins any other zone and does not adjoin the New York State Thruway: 50 feet.

~~(4)~~ (3) Coverage requirements. ~~Maximum permitted coverage shall be obtained by applying the following percentages to the area of the overall development site, excluding the areas designated as wetlands by Village or other governmental regulations:~~

(a) Maximum coverage of all buildings and/or structures: 12% except that building coverage may be increased to a maximum of 17% as provided in §305-34D(4)B(2)(b).

(b) Maximum coverage of land with paving, parking, walks, patios and other impervious surfaces **area: 33%**

(c) ~~Total coverage of land with~~ **Maximum total lot coverage, including all buildings, structures, or any form of pervious surface and impervious paved areas: 45%.**

~~(5)~~ (4) Building height. All buildings shall contain no more than six stories.

~~(6)~~ (5) Floor area.

~~(a) The permitted total gross floor area shall be calculated as follows: the area of the entire lot multiplied by 12% maximum permitted coverage multiplied by the number of stories permitted by the height regulation for the MU District.~~

(a) **Maximum gross floor area: The total gross square feet of floor area allowed for any and all purposes shall not exceed the percentage of building coverage multiplied by the lot area, multiplied by the permitted number of building stories.**

- (b) A minimum of 40% of the allowable floor area shall be retained for office use. A minimum of 40% and a maximum of 55% shall be retained for residential use.

~~(7)~~ **(6) Wetlands protections shall be in accordance with Chapter 302 of the Village Code.**

~~No buildings, structures or impervious materials of any sort shall be placed within or upon or within 75 feet of areas designated as wetlands by Village or other governmental regulations defined and designated in this chapter and in the Village and other governmental regulations, if any.~~

~~(8)~~ **(7) Off-street parking and loading spaces.**

- (a) Parking space requirements.

~~[1] Parking space requirements shall be as follows:~~

<del>Use</del>	<del>Space Requirement</del>
<del>Commercial athletic recreation facilities</del>	<del>1.5 spaces per 1,000 sf of gross floor area</del>
<del>[1] Multifamily residential</del>	<del>2.5 spaces per unit</del>
<del>All other uses</del>	<del>2.5 spaces per 1,000 sf of gross floor area</del>

[2] If approved by the Planning Board, parking spaces for adjacent buildings may be shared if the buildings are ordinarily not used and occupied simultaneously. For example, an office building and an adjacent theater which does not normally have weekday matinees may only be required to provide the amount of parking needed to meet the minimum requirement for the use requiring the most parking.

- (b) Loading space requirements. One loading space shall be provided for the first 50,000 square feet of gross floor area of the principal use plus one for each additional 100,000 square feet of gross floor area or any part thereof.

- (c) Dimensional requirements for off-street parking spaces. Each parking space shall be at least nine feet wide and 18 feet in length.

~~(9)~~ **(8) Signs.** The size, location, design and illumination of all signs attached to buildings shall be recommended by the Planning Board to the Board of Trustees for action pursuant to the provisions of the Village's Sign Ordinance. <sup>[2]</sup>

[2] Editor's note: See Ch. 251, Signs.

~~(10)~~ **(9) Discretionary requirements.** During the course of site plan review, the Planning Board may require additional setbacks consistent with the demands of topography and compatible use permit uses of contiguous property. The Planning Board may also require the provision of suitable screening and the preservation of natural rock outcroppings and major trees. Suitable islands of landscaping at appropriate space intervals may also be required to prevent having large areas of unrelieved blacktop.

D. Procedure.

- (1) General development plan. The applicant shall submit and the Planning Board shall consider a general development plan (GDP) for the site. The GDP shall set forth the following in map or report form, as appropriate:
  - (a) The general location of all existing and proposed structures; the general type of proposed uses; existing topography and general grading and drainage proposals; access, major parking and loading areas; major landscaped areas and proposed screening treatments; major proposed and existing public utility lines and facilities; and the proposed location of major signs.
  - (b) A chart of pertinent data demonstrating compliance with the mixed-use zoning requirements of this section and other provisions of this chapter, as appropriate.
  - (c) A written statement describing various aspects of the plan, indicating any proposed phasing of development activities.
- (2) Referrals. Promptly upon receipt of the general development plan, the Planning Board shall refer said plan to applicable government agencies or departments deemed appropriate. Within 60 days after receipt of the general development plan, all departments shall submit detailed reports to the Planning Board. Lack of submission of such report or reports shall indicate general approval of the GDP.
- (3) Planning Board action. Within 60 days after receipt of the general development plan, the Planning Board shall schedule a public hearing on said plan. Within 60 days of the close of said hearing, the Planning Board shall act by either approving, approving with modification or rejecting said plan, and the Board shall promptly notify the applicant, in writing, of its action. If the Board fails to act within the above-required period, the general development plan shall be deemed to have been approved. Notwithstanding any provisions herein to the contrary, the Planning Board shall coordinate and conduct its review so as to coordinate and comply to the best of its ability with the administrative procedures of Village's ~~new~~ Environmental Quality Review Law set forth in Chapter 147, Article I, Environmental Quality Review Actions, herein. Further, in the event that any aspects of the proposed development require approval by a county, state or federal agency or department, the Planning Board shall render its decision without reference to whether such approval has been obtained by the applicant but shall note in its action that such other approval may be required prior to the issuance of a building permit to the applicant.
- (4) Amendments to a GDP. The applicant may, from time to time, submit amendments to the approved general development plan to the Planning Board, which shall process them in the same manner as the original general development plan submission by the applicant. In the event that the applicant considers such changes or modifications to be minor, he may request the Chairman of the Planning Board to have the Village Clerk poll the Board by

telephone preliminary to ratification at the next Planning Board meeting or to waive any or all parts of the process noted above in this subsection.

- E. Site plan approval. Following approval of a general development plan, the applicant shall submit to the Planning Board a site plan for each and every structure drawn in accordance with the approved general development plan. As an alternative, the applicant may submit a site plan or amended site plan simultaneously with the GDP or amended GDP, and in such event the Planning Board shall process both according to the time scheduled provided for the GDP.
- (1) A site plan shall set forth the following:
    - (a) A list of uses to be made of the site. Said uses shall be only those listed as permitted uses under the particular GDP under review.
    - (b) Proposed property lines and related streets, right-of-way and easement lines as determined by survey.
    - (c) The location of existing and/or proposed buildings and structures.
    - (d) The proposed off-street parking area, showing the details of aisles, driveways, and each parking space.
    - (e) The proposed grading of the site, showing ten-foot contours of the site and abutting properties.
    - (f) Proposed stormwater drainage facilities, sidewalks, curbs, curb cuts and driveway aprons and similar structures.
    - (g) Proposed outdoor lighting and sign locations.
    - (h) The proposed landscape plan.
    - (i) All information as noted and required in §305-134B for site plan review.
  - (2) The Planning Board shall not approve any site plan unless and until it determines that the site plan is in conformity with the approved general development plan.
  - (3) The procedures applicable and the rights and duties of the Planning Board in the consideration of the site plan shall be those set forth in Article XVI of this chapter.
  - (4) The applicant may, from time to time, submit amendments to the approved site plan to the Planning Board. The Planning Board shall process these modifications in the same manner as the original site plan submission by the applicant.
- F. Division of property. All or portions of an area designated as mixed use may be divided for the purposes of sale, lease or mortgage with the approval of the Planning Board. Unless, in the reasonable opinion of the Planning Board, approval of such sale, lease or mortgage requires to the contrary, the submission of a new site plan or general development plan shall not be a condition precedent to such approval. However, no development of the area may take place except in accordance with the general development plan and site plan approved by the Planning Board. Insofar as buildings or other structures are concerned, the word “lease”

as used herein shall apply only to the rental of an entire structure or a major portion thereof and shall not be deemed applicable to the rental of floor space, wall space, rooms, offices, floors, licenses, franchises or other hereditaments within such building.

- G. Illustrative procedure. The following flow chart illustrates the procedures for mixed-use development review as stated in Subsection D. It should be used only as a guide.

#### SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately, as provided by law. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; a request must be made to the Village Clerk at least five days in advance of the meeting.

#### **BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TARRYTOWN**

DATED: March 6, 2017

Contact: Michael Blau, Village Administrator  
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