

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of OSSINING

Local Law No. _____ of the year 2011

A local law entitled "Local Law # of 2011, for the Purpose of Amending the Zoning Law to Remove the R-35 and R-15X One-Family Residence-Office Districts."

Be it enacted by the TOWN BOARD
of the _____

Town of OSSINING as follows:

TEXT COMMENCES ON NEXT PAGE

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW # ___ OF THE YEAR 2011

BE IT ENACTED by the Town Board of the Town of Ossining as follows:

Section 1: Title

This Local Law shall be known and cited as “Local Law #__ of 2011, for the Purpose of Amending the Zoning Law to Remove the R-35 and R-15X One-Family Residence-Office Districts.”

Section 2: Legislative Intent

The Town Board desires to resolve a discrepancy between the Zoning Law and the Zoning Map by removing two zoning districts from the Zoning Law that are not on the Zoning Map. No parcels in the Town are included in either of the two zones. This local law is determined to be an exercise of the legislative powers of the Town to clarify the Zoning Law to protect the health, safety and welfare of its residents. This Local Law serves to implement specific recommendations of the Town’s Comprehensive Plan.

Section 3: Zoning Law Amendments

- 1. Section 200-3, Classes of Districts, of the Zoning Law shall be revised to read as follows:**

The Town of Ossining is hereby divided into the classes of districts listed below:

Symbol	Title
R-40	One-Family Residence District
R-35	One-Family Residence-Office District
R-30	One-Family Residence District
R-20	One-Family Residence District
R-20A	One-Family Residence District
R-15	One-Family Residence District
R-15X	One-Family Residence-Office District
R-10	One-Family Residence District

Symbol	Title
R-7.5	One-Family Residence District
R-5	One-Family Residence District
MF	Multifamily District
NC	Neighborhood Commercial District
GB	General Business District
GB-1	General Business District-1
O-RM	Office-Research Manufacturing District
BE	Business Education District

2. **Section 200-8, R-35 One-Family Residence-Office District, of the Zoning Law shall be repealed.**
3. **Section 200-12, R-15X, One-Family Residence-Office District, of the Zoning Law shall be repealed.**
4. **Section 200-21, One-family residences in residential districts, of the Zoning Law shall be revised to read as follows:**

The following bulk regulations shall apply for one-family residences in the following districts: R-40, ~~R-35~~, R-30, R-20, R-20A, R-15, ~~R-15X~~, R-10, R-7.5 and R-5. Editor's Note: Said Schedule of Bulk Regulations is included at the end of this chapter.

5. **200 Attachment 2, Bulk Regulations for One-Family Residences in the R-40, R-35, R-30, R-20, R-20A, R-15, R-15X, R-10, R-7.5, and R-5 DISTRICTS, of the Zoning Law shall be revised to read as follows:**

ZONING

200 Attachment 2

BULK REGULATIONS FOR ONE-FAMILY RESIDENCES IN THE R-40, R-35, R-30, R-20, R-20A, R-15, R-15X, R-10, R-7.5, and R-5 DISTRICTS

Minimum Requirements	R-40	R-35	R-30	R-20	R-20A	R-15 and R-15X	R-10	R-7.5	R-5
Lot area (square feet)	40,000	35,000	30,000	20,000	20,000	15,000	10,000	7,500	5,000
Lot width (feet)	150	150	125	100	90	90	75	60	50
Lot depth (feet)	150	150	150	130	130	120	100	100	80
Front yard (feet)	40	40	35	30	30	30	25	25	25
1 side yard (feet)	20	20	18	16	16	14	12	10	8
Both side yards (feet)	42	42	38	34	34	30	26	22	18
Rear yard (feet)	38	38	36	34	34	32	30	28	26
Livable floor area per dwelling unit (square feet)	850	850	850	850	850	850	850	750	750
Maximum Permitted									
Building height									
Stories	2½	2½	2½	2½	2½	2½	2½	2½	2½
Feet	35	35	35	35	35	35	35	35	35
Building coverage (percent)	18	18	20	22	22	25	27	30	30

Section 4. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5: Inclusion in Code

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; that the sections and subsections of this Local Law may be renumbered or relettered to accomplish such

intention; and that the word "local law" shall be changed to "chapter," "section" or other appropriate word, as required for codification.

Section 6: Renumbering

The location and numerical designation of this Local Law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may renumber this Local Law and sections as are necessary to accommodate these amendments.

Section 7: Codification

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section numbers by the codifier, General Code, in accordance with the numbering system of the Code.

Section 8: Codifier's Changes

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 9: Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 10: Effective Date

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of OSSINING

Local Law No. _____ **of the year** 2011

A local law entitled "Local Law # of 2011, for the Purpose of Amending the Zoning Law to Add New Definitions to Section 200-53, Definitions."

Be it enacted by the TOWN BOARD
of the

Town of OSSINING **as follows:**

TEXT COMMENCES ON NEXT PAGE

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW # ___ OF THE YEAR 2011

BE IT ENACTED by the Town Board of the Town of Ossining as follows:

Section 1: Title

This Local Law shall be known and cited as “Local Law #__ of 2011, for the Purpose of Amending the Zoning Law to Add New Definitions to Section 200-53, Definitions.”

Section 2: Legislative Intent

The Town Board would like to clarify and improve the Zoning Law by adding certain new definitions to Section 200-53, Definitions. This Local Law is determined to be an exercise of the legislative powers of the Town to address omissions and to strengthen the Town Zoning Law for the protection of the health, safety and welfare of residents. This Local Law serves to implement specific recommendations of the Town’s Comprehensive Plan.

Section 3: Zoning Law Amendments

- 1. Section 200-53, Definitions, of the Zoning Law shall be revised by means of adding the following new definitions in their proper alphabetical order:**

ASSEMBLY ACTIVITY – A use consisting of the combining of otherwise finished parts. This use does not include the machining or fitting of said parts such as in the fabrication of duct work.

AUTOMOTIVE SERVICE ESTABLISHMENT – A business enterprise used for the retail dispensing of fuel or oil to motor vehicles, the washing of cars and the incidental servicing thereof, but not including body work, painting or major mechanical work.

BED AND BREAKFAST ESTABLISHMENT – An owner-occupied one-family detached dwelling that also contains guest rooms, where short-term lodging with food and drink is provided for compensation.

CHILD CARE FACILITY – An establishment, licensed or authorized and regulated by the State of New York Department of Social Service, Department of Health or other State agency having jurisdiction, where care is provided for three or more children away from their own homes for less than 24 hours per day, provided the facility is operated for such purposes for more than five hours per week.

CLUB – An organization catering exclusively to members and their guests for social, recreational or athletic purposes.

COMMERCIAL GREENHOUSE – A building constructed to produce, store or sell plants for a business purpose rather than for hobby, recreational, educational or other purposes.

COMMERCIAL OR INDUSTRIAL LAUNDRY – An establishment engaged in supplying laundered items, such as uniforms, gowns and coats, table linens, bed linens and clean room apparel on a rental or contract basis to entities such as industrial plants, institutions, retail establishments and hospitality industries.

COMMERCIAL RECREATION FACILITY – A building or premises designed and equipped for the conduct of sports, leisure activities and other recreational activities for a business purpose.

COMMERCIAL VEHICLE – A vehicle bearing a commercial, livery or taxi license plate and which exceeds 14,000 pounds in gross weight.

CONFERENCE CENTER – A facility (which may include one or more buildings or portions thereof) consisting of meeting rooms, lecture rooms and display space, and which may include dining and/or lodging facilities, used for the conduct of business, professional and educational meetings, conferences and seminars.

COURT – An open, unoccupied, outdoor space, other than a front, rear or side yard, on the same lot as a building or group of buildings, and which is bounded on two or more sides by such building or group of buildings.

DRIVE-IN ESTABLISHMENT – A business enterprise which permits customers to receive service or obtain products while remaining in their vehicles.

ELDER CARE FACILITY – An establishment providing supervised care and activities for three or more adults suffering with temporary or long-term dementia or debilitating illnesses for more than three but less than 24 hours per day, whether or not for compensation.

FENCE – Any partition, structure or gate erected as a dividing marker, barrier or enclosure.

FLEX SPACE – A building that provides its occupants flexibility in the utilization of its interior space for uses permitted in the zoning district in which the building is located.

HEALTH CLUB – A commercial recreation membership facility designed and used for body conditioning or rehabilitation, including activities such as aerobic and related class exercises, which may contain equipment such as a sauna, steam room, showers and locker facilities.

HOTEL – A building or portion thereof containing rooms occupied primarily by transients who are lodged with or without meals, and in which services are provided as are incidental to the use thereof as a temporary residence.

IMPERVIOUS SURFACES – All buildings, as defined herein, as well as all areas on the ground or elevated above the ground which are comprised of materials including, but not limited to, asphalt, concrete, masonry, wood, gravel, clay or partially open paving stone, and elements including but not limited to swimming pools, court yards, sports courts, patios, terraces and driveways.

INN – A commercial establishment operating as a small hotel that provides lodging, food and other amenities for travelers and the public.

LOBBY – A wide passage or large hall located within a building at or just beyond the main public entrance.

OPEN SPACE – A land area which is open to the air that is not occupied by any structures and is landscaped or left in a natural state.

PATIO – An uncovered, impervious surface, as defined in this chapter, generally used for dining and/or lounging purposes, which is located on the ground, and which has no structural support other than possibly subsurface base material and retaining walls. The concrete, stone or other similar apron around a swimming pool is considered a patio/terrace. A patio or terrace is generally flush to the ground with no air space beneath.

PERSONAL SERVICE ESTABLISHMENT – A business enterprise engaged in providing services involving the care of a person or his or her personal goods or apparel, including but not limited to beauty and barber shops, dressmakers, tailor shops, watch repair, clothing and shoe repair, laundromats, drop-off laundry and dry cleaners (not including commercial or industrial laundries), nail salons and tanning salons.

PLACE OF WORSHIP – A church, synagogue, temple, mosque or other building or group of buildings that are used for the conducting of organized religious services, together with other uses of a minor nature that are incidental and accessory to the religious services.

PLAZA – An area on a lot designed and equipped for public use, which is open to the air and not covered.

PORTABLE STORAGE UNIT – A container not more than eight feet wide, 16 feet long and eight feet high, also sometimes known as a “pod,” which is designed for the storage of personal property and which is typically rented to the owner and/or occupant of the premises for their temporary use and which is typically delivered and removed by truck.

RECREATION FACILITY – Any publicly or privately-owned use or premises, designed and equipped for the conduct of sports, leisure activities and other recreational activities.

RESTAURANT – A business enterprise, or that portion thereof, engaged in the preparation and retail sale of food and beverages selected from a full menu by patrons seated at a table or counter, served by a waiter or waitress and consumed on the premises. The term “restaurant” does not include a bar, cabaret or fast-food restaurant.

RETAIL STORE OR SHOP – A business enterprise which only sells merchandise directly to the ultimate consumers.

SPA – A business establishment providing professionally administered personal care treatments such as massages and facials.

STORAGE FACILITY – An establishment engaged in the storage of goods, products or materials for business purposes.

USE – The specific purpose for which land or a building is designed, arranged or intended, or for which it is or may be occupied or maintained.

USE, PERMITTED – The use of a building or land that conforms with the provisions of this chapter.

WAREHOUSE – An establishment used primarily for the storage of goods, products or materials for business purposes.

WHOLESALE ESTABLISHMENT – A business enterprise engaged in buying large quantities of materials or merchandise and selling such materials or merchandise to other businesses or entities for distribution, rather than selling directly to the ultimate consumers.

Section 4: Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5: Inclusion in Code

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; that the sections and subsections of this Local Law may be renumbered or relettered to accomplish such intention; and that the word "local law" shall be changed to "chapter," "section" or other appropriate word, as required for codification.

Section 6: Renumbering

The location and numerical designation of this Local Law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may renumber this Local Law and sections as are necessary to accommodate these amendments.

Section 7: Codification

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section numbers by the codifier, General Code, in accordance with the numbering system of the Code.

Section 8: Codifier's Changes

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 9: Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons

or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 10: Effective Date

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

j:\docs2\500\ossining (t)\code amendments\comp plan implement\item2 ll 4-8-11.dhs.doc:ev

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of OSSINING

Local Law No. _____ of the year 2011

A local law entitled "Local Law # of 2011, for the Purpose of Amending Section 200-18, GB General Business District, of the Zoning Law Regarding Permitted Uses, Setbacks and Landscape Requirements, and Amending Section 200-33 of Article VI, Affordable Housing, of the Zoning Law as it pertains to the GB District."

Be it enacted by the TOWN BOARD
of the

Town of OSSINING as follows:

TEXT COMMENCES ON NEXT PAGE

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW # ___ OF THE YEAR 2011

BE IT ENACTED by the Town Board of the Town of Ossining as follows:

Section 1: Title

This Local Law shall be known and cited as “Local Law #__ of 2011, for the Purpose of Amending Section 200-18, GB General Business District, of the Zoning Law Regarding Permitted Uses, Setbacks and Landscape Requirements, and Amending Section 200-33 of Article VI, Affordable Housing, of the Zoning Law as it pertains to the GB District.”

Section 2: Legislative Intent

The Town Board desires to update the permitted uses in the GB District to eliminate certain incompatible uses, add certain new uses that would enhance the business function in the GB District, and improve the setback and landscape requirements for non-residential uses in the GB District which are contiguous to residentially-used or residentially-zoned lots. The Town Board also desires to amend the affordable housing provisions of the Zoning Law to make them more appropriate for the GB District, given that this district is especially suitable for affordable housing. This Local Law is determined to be an exercise of the legislative powers of the Town to protect the public health, safety and welfare of its residents. This Local Law serves to implement specific recommendations of the Town’s Comprehensive Plan.

Section 3: Zoning Law Amendments

- 1. Section 200-18, GB General Business District, of the Zoning Law shall be revised to read as follows:**

§ 200-18. GB General Business District.

In a GB General Business District, no building or premises shall be used, and no building or part of a building shall be erected or altered, which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following, and all such uses shall be subject to site plan approval in accordance with § 200-50 hereof.

A. Permitted uses.

- (1) Retail stores and banks, shops, and fully enclosed storage, warehouse and assembly activities which also have a substantial retail component, but excluding:

- (a) construction material supply yards, lumber yards, or construction equipment sales or rental establishments servicing contractors or the construction industry.
- (b) the sale of bulk or loose materials such as, but not limited to gravel, mulch, sand, soil, etc.
- (2) Personal service ~~establishments~~stores, ~~such as but not limited to~~ barbershops, beauty parlors and tailors.
- (3) ~~Fully enclosed~~ Eating and drinking establishments, excluding fast food establishments and provided that no live entertainment or live music is supplied or dancing permitted, unless a cabaret license has been issued by Town Board in accordance with Chapter 68 of the Town Code.
- (4) Business, professional and governmental offices, and banks.
- (5) Public utility structures.
- ~~(6) Coin-operated laundromat and dry-cleanomat and outlet and pickup stations for laundries and cleaning establishments, excluding a commercial laundry as such.~~
- ~~(7)~~ Theaters (except drive-ins), bowling alleys and other commercial recreation facilities conducted within a fully enclosed building.
- ~~(8)~~ Clubs and fraternal lodges.
- ~~(9)~~ Funeral homes.
- ~~(10)~~ Buildings and uses owned and operated by the town.
- (10) Child care and elder care facilities.
- (11) Galleries, museums, performing arts centers, and other cultural facilities or institutions.
- (12) Spas.
- (13) Dance studios or other instructional facilities.

- (14) Indoor recreational facilities.
- (15) Fully enclosed animal hospitals.
- (16) Private preschools and elementary schools.
- (17) Dog or cat day and overnight care, provided that there are no outdoor areas on the lot for said animals unless the lot abuts or is directly across the street from an existing dog or cat care establishment with outdoor facilities, in which case the proposed use may have outdoor facilities but not to include the outdoor housing of said animals or the keeping of them outside for extended periods or overnight.
- ~~(11) Motor vehicle sales establishments, service stations and repair garages, subject to the following special requirements:~~
- ~~(a) No such use shall be permitted to be established on a lot that is within 2,500 feet of another lot on which there is an existing automotive use or for which a building permit has been issued for the construction of an automotive use. Said distance is to be measured in a straight line between the nearest points of each of the lots or leased areas.~~
- ~~(b) No such use shall be permitted to be established on a lot that is within 500 feet of another lot on which there is a place of public assembly, such as a school, church, hospital or other place of public assembly designed for occupancy by more than 50 persons, or for which a building permit has been issued for the construction of such a place of assembly. Said distance is to be measured in a straight line between the nearest points of each of the lots or leased areas.~~
- ~~(c) The minimum lot size for such establishments shall be 20,000 square feet, and the minimum street frontage shall be 150 feet. The minimum size of any individual use shall be 1,800 square feet.~~
- ~~(d) All service or repair of motor vehicles, except for the sale of fuel and lubricants, shall be conducted entirely within a building enclosed on all sides and shall be performed only between the hours of 7:00 a.m. and 7:00 p.m. This~~

requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.

- ~~(e) Not more than one motor vehicle for every 2,000 square feet of lot area or not more than a number of motor vehicles equivalent to the number of parking spaces specified in § 200-29A(1) of this chapter, whichever is less, shall be stored outside at any time. Further, there shall be no outdoor storage of parts or partially dismantled or wrecked motor vehicles. All parking, including the parking of tow trucks and other commercial vehicles, shall take place only in approved parking areas.~~
- ~~(f) Fuel pumps shall be set back from the front property line at least 25 feet. All other buildings and structures, except underground storage tanks, shall be set back at least 45 feet from the front property line, 10 feet from each side lot line and 20 feet from the rear lot line. All buildings and structures shall be set back at least 50 feet from the lot line of a contiguous lot in a residence district. No fuel pump shall be closer than 20 feet to any building.~~
- ~~(g) Between an automotive use and a contiguous lot in a residence district, an area at least 10 feet wide with landscape screening shall be provided. Such plantings shall be coniferous, shall have an initial height of at least five feet and shall be planted close enough together to adequately screen the automotive use from the view of the abutting land in the residence district. A six-foot high wall or fence, suitable in appearance to the surrounding area, may be substituted for or required in addition to the landscape planting. Proper maintenance of landscaping shall be a continuing requirement.~~
- ~~(h) There shall be no more than one driveway for each 75 feet of street frontage. Such driveways shall be not more than 30 feet wide, not less than 20 feet wide and not closer together than 30 feet at any point.~~
- ~~(i) All driveways, parking and standing areas shall be permanently improved with a paved surface and shall have curbing at their edges. Adequate provision shall be made for the collection and disposal of stormwater runoff. All~~

~~driveways and parking areas shall be so laid out as to avoid the necessity of any vehicle backing out into any public roadway or right-of-way.~~

~~(j) All areas, except those which are paved, shall be landscaped. All parking areas shall be screened from adjoining streets and lots with coniferous plantings having an initial height of at least five feet and planted close enough together to form a visual barrier. Other landscaping shall include the treatment of open space with shrubs, trees, lawn or flowers to present an attractive, well kept appearance and the retention of natural wooded areas. Proper maintenance of landscaping shall be a continuing requirement. Fences or walls may be substituted for, or required in addition to, landscape planting.~~

~~(k) All driveways, pump islands, other structures and landscaping shall be located so that there will be adequate sight distance of vehicles and pedestrians for the vehicles entering and leaving the premises.~~

~~(l) The storage of gasoline or flammable liquids in bulk shall not exceed 10,000 gallons, shall be located fully underground and not nearer than 35 feet to any property line. There shall be no storage of waste materials, such as grease, oil or flammable liquids, except in a closed, underground receptacle or vaulted area.~~

~~(m) The sale of used motor vehicles shall be conducted only as an accessory use to the sale of new motor vehicles of the same kind.~~

~~(n) The use of pennants, streamers or other moving, eye-catching devices is prohibited, except in the case of the opening of a new gas station or a change in a station's major dealer or supplier, and then only for a period not to exceed 30 days.~~

~~(o) There shall be no residence or sleeping quarters maintained in any motor vehicle sales establishment, service station or repair garage.~~

~~(12)~~(18) Self-storage facilities and related business offices, subject to the following special requirements:

- (a) No outdoor storage of any kind shall be permitted.
- (b) No such use shall be permitted on a lot having less than 100,000 square feet.
- (c) No building on a lot devoted to such use shall have a footprint more than 10,000 square feet.
- (d) All buildings on a lot devoted to such use shall have the narrowest side of such buildings facing toward the principal public street on which the lot is located.
- (e) Notwithstanding any provisions of this chapter to the contrary, the following shall apply:
 - [1] The minimum front yard setback for a detached, small security gatehouse and fencing shall be 50 feet.
 - [2] The minimum front yard setback for principal buildings shall be 90 feet.
 - [3] The minimum side yard setback adjacent to a nonresidential district shall be 10 feet.

B. Conditional uses permitted upon approval by the Planning Board in accordance with Article XI hereof. The following conditional uses are permitted subject to approval by the Planning Board in accordance with § 200-49 hereof. These uses are subject to the requirements specified herein and elsewhere in this chapter, including site plan approval in accordance with § 200-50 hereof.

- (1) Multiple dwellings and row or attached dwellings, subject to the following provisions:
 - (a) The project shall meet the provisions of §§ 200-16 C(1), (2) and (3) and 200-22 of this chapter relating to the Multifamily District, except that the Planning Board shall have the authority to modify the requirements of §§ 200-16C(1), (2) and (3) and the lot width, lot depth, yard, usable open space and building coverage requirements of § 200-22, in the interest of sound planning and design, and where the health, safety and welfare is preserved or enhanced, as determined by said Board.

- (b) The lot on which the dwellings are proposed shall be at least one acre in size.
 - (c) The lot on which the dwellings are proposed shall not be adjacent to or across the street from any lot on which exists the housing of dogs as a principal use.
 - (d) The lot on which the dwellings are proposed, and the dwellings themselves, shall not contain any other principal use.
 - (e) On-site parking for the dwellings shall be provided in accordance with § 200-29A of this chapter. In addition, the Planning Board shall ensure that sufficient on-site visitor parking is provided. This determination by the Planning Board shall take into consideration whether the parking spaces are individually assigned to the respective dwellings, are common to the dwellings, or are a combination thereof. Further, if determined appropriate by the Planning Board, on-site accessory recreation facilities shall be provided with their own on-site parking.
 - (f) On-site landscaping and screening, as deemed appropriate by the Planning Board, shall be provided.
 - (g) Notwithstanding § 200-22 of this chapter, the minimum size of the respective dwelling units shall be as follows:
 - [1] Studio, efficiency and one-bedroom dwelling: 850 square feet.
 - [2] Two-bedroom dwellings: 1,150 square feet.
 - [3] Three-bedroom dwellings: 1,450 square feet.
- (2) Mixed use, as defined in this chapter, subject to the following provisions:
- (a) The lot on which the mixed use is proposed shall be at least 20,000 square feet in size.

- (b) The lot on which the mixed use is proposed shall not be adjacent to or across the street from any lot on which exists the housing of dogs as a principal use.
- (c) The minimum size of the respective dwelling units shall be as follows:
 - [1] Studio, efficiency and one-bedroom dwellings: 850 square feet.
 - [2] Two-bedroom dwellings: 1,150 square feet.
 - [3] Three-bedroom dwellings: 1,450 square feet.
- (d) Mixed use shall be permitted only in buildings which conform to the New York State Residential Code for the proposed mixed use.
- (e) The residential and nonresidential uses in a mixed-use 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 Planning Board may, at its discretion, approve the use of a common lobby or plaza.
- (f) The nonresidential and residential uses of the building shall each be provided with the number of parking spaces required by § 200-29A herein.
- (g) General on-site landscaping and screening, as deemed appropriate by the Planning Board, shall be provided. Further, all utility, storage, service and parking areas on the site of the mixed-use building shall be specifically screened by means of landscaping and/or fencing, to the extent deemed necessary and practical by the Planning Board, in order to minimize the impact of these areas upon the residential use of the building and upon the surrounding area.
- (h) Dwelling units shall not be permitted in buildings housing ~~motor vehicle sales, service or repair; motor vehicle service stations;~~ animal hospitals; day-care facilities; restaurants; bowling alleys or other commercial recreational facilities; or

any other use deemed by the Planning Board to be incompatible with a residential use in the building.

- (i) There shall be no outdoor storage associated with the residential use.
- (j) Dwelling units shall not be permitted in basement or cellar space.

C. Accessory uses.

- (1) Off-street parking and loading spaces, subject to the requirements in § 200-29A(1) and B, excluding the outdoor parking of construction equipment.
- (2) Accessory signs advertising only activities conducted on the lot are permitted, provided that they do not exceed two feet in height nor 25% of the length of the building. Such signs shall be attached to the wall of the building and shall not project more than 15 inches beyond the face of such wall. Signs projecting above the roof or beyond the side walls are prohibited.
- (3) ~~Freestanding pole-signs~~ advertising only activities conducted on the lot ~~which are affixed to a single upright pole~~; however, no such sign shall exceed 20 square feet in area on each side and 10 feet in height from the ground level to the top of the sign, and no part of said sign shall extend over the lot or street line.

D. Setback and landscape requirements for nonresidential uses that are contiguous to residentially-used or residentially-zoned lots.

- (1) All nonresidential buildings and structures shall be set back at least 30 feet from the lot lines of a contiguous residentially-used or residentially-zoned lot.
- (2) Between any nonresidential use and a residentially-used or residentially-zoned lot, an area at least 15 feet wide with landscape screening shall be provided. Such plantings shall be a mix of evergreen shrub and coniferous tree species, shall have an initial height of at least six feet, and shall be planted close enough to create a buffer and adequately screen views of the nonresidential use. A six-foot high wall or fence, suitable in appearance to the surrounding area, may be substituted for the landscape plantings. Proper

maintenance of all fencing and landscape plantings shall be a continuing requirement. All fences shall be installed with the more attractive side facing neighboring properties.

(3) Driveways for any nonresidential use shall be located at least 15 feet from a residentially-used or residentially-zoned lot.

(4) Parking areas for any nonresidential use shall be located at least 15 feet from a residentially-used or residentially-zoned lot. Such parking areas shall be screened from adjoining lots with a mix of evergreen shrub and coniferous tree plantings having an initial height of at least six feet, a depth of eight feet, and planted close enough to form a visual barrier. A six-foot high wall or fence, suitable in appearance to the surrounding area, may be substituted for the landscape plantings. Proper maintenance of landscaping shall be a continuing requirement. All fences shall be installed with the more attractive side facing neighboring properties.

2. **§ 200-33, Multifamily and General Business Districts, of the Zoning Law would be amended to read as follows:**

Section 200-33. Multifamily and General Business Districts.

A. To achieve the purposes above, the approval authority may require that a residential density bonus be granted for multiple, row or attached dwellings constructed or rehabilitated in the MF ~~and GB~~ Districts with one-half of said density bonus consisting of below-market-rate units as defined and regulated in this article. The maximum permitted density bonus shall be in accordance with the following schedule:

Size of Property (acres)	Maximum Permitted Density Bonus
10 or more	20%
More than 5 but less than 10	30%
Less than or equal to 5	40%

B. To achieve the purposes above, the approval authority may require that a residential density bonus be granted for multiple, row or attached dwellings constructed or rehabilitated in the GB District with one-half of said density bonus consisting of below-market-rate units as defined and regulated in this

article. The maximum permitted density bonus shall be in accordance with the following schedule:

<u>Size of Property (acres)</u>	<u>Maximum Permitted Density Bonus</u>
<u>10 or more</u>	<u>20%</u>
<u>More than 5 but less than 10</u>	<u>30%</u>
<u>More than 2 but less than 5</u>	<u>40%</u>
<u>Less than 2</u>	<u>100%</u>

Section 4. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5: Inclusion in Code

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; that the sections and subsections of this Local Law may be renumbered or relettered to accomplish such intention; and that the words “local law” shall be changed to “chapter,” “section” or other appropriate word, as required for codification.

Section 6: Renumbering

The location and numerical designation of this Local Law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may renumber this Local Law and sections as are necessary to accommodate these amendments.

Section 7: Codification

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section numbers by the codifier, General Code, in accordance with the numbering system of the Code.

Section 8: Codifier's Changes

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 9: Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 10: Effective Date

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of OSSINING

Local Law No. _____ of the year 2011

A local law entitled "Local Law # _____ of 2011, Amending the Zoning Law and the Zoning Map to Create a Multifamily-Inn (MF-I) District and to Place a Certain Property on Hawkes Avenue into the New District."

Be it enacted by the TOWN BOARD
of the _____

Town of OSSINING as follows:

TEXT COMMENCES ON NEXT PAGE

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW # ___ OF THE YEAR 2011

BE IT ENACTED by the Town Board of the Town of Ossining as follows:

Section 1: Title

This Local Law shall be known and cited as “Local Law #__ of 2011, for the Purpose of Amending the Zoning Law and Zoning Map to Create a Multifamily-Inn (MF-I) Zoning District and to Place a Certain Property on Hawkes Avenue into the New District.”

Section 2: Legislative Intent

The Town Board desires to change the existing O-RM Office-Research, Manufacturing District on Hawkes Avenue to a new Multifamily-Inn (MF-I) District, in order to improve the compatibility of uses in the new district with the surrounding multifamily residential neighborhoods. This Local Law is determined to be an exercise of the legislative powers of the Town to protect the public health, safety and welfare of its residents. This Local Law serves to implement specific recommendations of the Town’s Comprehensive Plan.

Section 3: Zoning Law Text Amendments

- 1. Section 200-3, Classes of districts, of the Zoning Law shall be revised to read as follows:**

The Town of Ossining is hereby divided into the classes of districts listed below:

Symbol	Title
R-40	One-Family Residence District
R-30	One-Family Residence District
R-20	One-Family Residence District
R-20A	One-Family Residence District
R-15	One-Family Residence District
R-10	One-Family Residence District
R-7.5	One-Family Residence District
R-5	One-Family Residence District

Symbol	Title
MF	Multifamily District
<u>MF-I</u>	<u>Multifamily-Inn District</u>
NC	Neighborhood Commercial District
GB	General Business District
GB-1	General Business District-1
O-RM	Office-Research Manufacturing District
BE	Business Education District

2. **Article III, Use Regulations, of the Zoning Law shall be revised to add the following new section:**

Section 200-16.1. MF-I Multifamily-Inn District

In an MF-I Multifamily-Inn District, no building or premises shall be used, and no building or part of a building shall be erected or altered, which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

- A. Permitted uses.
 - (1) Any permitted use or accessory use listed in, and as regulated in, the R-40 Residence District.

- B. Uses permitted by special permit upon approval by the Board of Appeals in accordance with Article IX hereof. The following uses are permitted subject to approval by the Board of Appeals in accordance with the provisions of § 200-45. These uses are subject to the requirements specified below and elsewhere in this chapter, including site plan approval by the Planning Board in accordance with § 200-50 hereof.
 - (1) Any use so permitted in, and as regulated in, the R-10 Residence District.

C. Conditional uses permitted upon approval by the Planning Board in accordance with Article XI hereof. The following conditional uses are permitted subject to approval by the Planning Board in accordance with § 200-49 hereof. These uses are subject to the requirements specified herein and elsewhere in this chapter, including site plan approval in accordance with § 200-50 hereof.

(1) Any use so permitted in, and as regulated in, the MF Multifamily District.

(2) Inns and bed and breakfast establishments, including retail stores and shops, fully enclosed eating and drinking establishments, recreation facilities and spas that are accessory to the inns or bed and breakfast establishments.

3. **Section 200-22, MF Multifamily Residence District, of the Zoning Law shall be revised to read as follows:**

Section 200-22. MF Multifamily Residence District and MF-I Multifamily-Inn Residence District.

The following bulk regulations shall apply in the MF Multifamily District and the MF-I Multifamily-Inn Residence District:

[Editorial note: The remainder of Section 200-22 shall remain intact.]

Section 4. Rezoning

The zoning of the parcel designated Section 80.20, Block 1, Lot 15 on the Town of Ossining tax maps, located at 87 Hawkes Avenue, and currently zoned O-RM Office-Research Manufacturing District is hereby changed to the MF-I Multifamily-Inn Residence District.

Section 5. Zoning Map

The Zoning Map of the Town of Ossining is hereby amended to show the change specified in Section 4 above.

Section 6. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 7: Inclusion in Code

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; that the sections and subsections of this Local Law may be renumbered or relettered to accomplish such intention; and that the words “local law” shall be changed to “chapter,” “section” or other appropriate word, as required for codification.

Section 8: Renumbering

The location and numerical designation of this Local Law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may renumber this Local Law and sections as are necessary to accommodate these amendments.

Section 9: Codification

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section numbers by the codifier, General Code, in accordance with the numbering system of the Code.

Section 10: Codifier’s Changes

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 11: Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law

would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 12: Effective Date

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

J:\DOCS2\500\Ossining (t)\525.024.Ossining comp plan implementation.item4.LL.mtm.doc

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of OSSINING

Local Law No. _____ of the year 2011

A local law entitled "Local Law # of 2011, Amending the Zoning Law and Zoning Map to Change the O-RM Office-Research Manufacturing District to an O-RB Office-Research Business District, to Create a new O-RE Office-Research Education District and to Place a Certain Property Located on Executive Boulevard into the New O-RE District."

Be it enacted by the TOWN BOARD
of the

Town of OSSINING as follows:

TEXT COMMENCES ON NEXT PAGE

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW # ___ OF THE YEAR 2011

BE IT ENACTED by the Town Board of the Town of Ossining as follows:

Section 1: Title

This Local Law shall be known and cited as “Local Law #__ of 2011, for the Purpose of Amending the Town Zoning Law and Zoning Map to Change the O-RM Office-Research Manufacturing District to an O-RB Office-Research Business District, to Create a New O-RE Office-Research Education District, and to Place a Certain Property Located on Executive Boulevard into the New O-RE District.”

Section 2: Legislative Intent

The Town Board desires to revise the existing O-RM Office-Research Manufacturing District to eliminate manufacturing uses and to add new appropriate uses thereby changing this district to an O-RB Office-Research Business District. The Town Board also desires to create a new O-RE Office-Research Education District that allows nonresidential and residential uses on the undeveloped portion of what would be the former O-RM District. The purpose of these changes is to encourage new uses to enhance business vitality and to improve the compatibility of uses in the two new districts with surrounding residential neighborhoods. This Local Law is determined to be an exercise of the legislative powers of the Town to protect the public health, safety and welfare of its residents. This Local Law also serves to implement specific recommendations of the Town’s Comprehensive Plan.

Section 3: Zoning Law Text Amendments

- 1. Section 200-3, Classes of districts, of the Zoning Law shall be revised to read as follows:**

The Town of Ossining is hereby divided into the classes of districts listed below:

Symbol	Title
R-40	One-Family Residence District
R-30	One-Family Residence District
R-20	One-Family Residence District
R-20A	One-Family Residence District

Symbol	Title
R-15	One-Family Residence District
R-10	One-Family Residence District
R-7.5	One-Family Residence District
R-5	One-Family Residence District
MF	Multifamily District
MF-I	Multifamily-Inn District
NC	Neighborhood Commercial District
GB	General Business District
GB-1	General Business District-1
O- <u>RMB</u>	Office-Research Manufacturing <u>Business</u> District
<u>O-RE</u>	<u>Office-Research Education District</u>
BE	Business Education District

2. Section 200-19, O-RM Office-Research Manufacturing District, of the Zoning Law shall be revised as follows:

Section 200-19. O-RBM Office-Research BusinessManufacturing District.

In an O-RBM Office-Research BusinessManufacturing District, no building or premises shall be used, and no building or part of a building shall be erected or altered, which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following, and all such uses shall be subject to site plan approval in accordance with § 200-50 hereof.

A. Permitted uses.

- (1) Office buildings for business and professional offices, research, design and development laboratories, including incidental clinics, cafeterias and recreation facilities for the exclusive use of company employees, subject to the performance standards set forth in Subsection F.
- (2) Governmentally owned and operated buildings and uses.
- (3) Public utility structures and underground utility lines.
- (4) Child care and elder care facilities.
- (5) Health clubs and spas.
- (6) Fully enclosed eating and drinking establishments.
- (7) Fully enclosed recreation facilities.
- (8) Personal service establishments.

B. Conditional uses permitted upon approval by the Planning Board in accordance with Article XI hereof. The following conditional uses are permitted subject to approval by the Planning Board in accordance with § 200-49 hereof. These uses are subject to the requirements specified below and elsewhere in this chapter, including site plan approval in accordance with § 200-50 hereof.

~~(1) Manufacturing, processing and assembly activities, provided that such activities are so designed, constructed and enclosed that there will be no observable external evidence thereof other than loading and unloading functions, which shall be fully screened from all adjacent residential areas, and further provided that such manufacturing, processing and assembly is subject to the performance standards set forth in Subsection F.~~

(2) Conference centers for meetings of companies and corporations, trade societies and like groups and transient living accommodations for attendees.

C. Accessory uses.

(1) Accessory garages, ~~sewage treatment plants, pump houses, water towers, storage tanks for other liquid materials, fire protection monitors, cafeterias and other auxiliary installations, and recreational~~

~~facilities for the exclusive use of company employees and their immediate families. Any such recreational facilities that are exterior to buildings shall be used only between the time of sunrise and sunset. No such exterior recreational facility shall be closer than 300 feet to any boundary of any residential district. AU interior and exterior recreational facilities shall be used in such manner as to conform to the performance standards set forth in Subsection F.~~

~~(2) Fully enclosed warehouse and storage facilities.~~

~~(3) Parking and loading areas.~~

~~(4) The following signs, subject to § 200-28:~~

~~(a) An identification sign not exceeding 12 square feet in area, provided that not more than one such sign shall be permitted for each tenant on the premises.~~

~~(b) Necessary directional signs, none of which shall exceed five square feet in area.~~

~~(5) Dwellings only for use of bona fide caretakers or watchmen and their families.~~

~~(6) Retail space of the newspaper/candy/sundry store variety, so long as this space is clearly incidental to the principal use of the building in which it is located and is clearly intended but is not necessarily restricted to be patronized by only the employees of such building.~~

D. Prohibited uses. The following uses are prohibited in ~~the~~ O-RBM District:

(1) Residence, except as set forth in Subsection C(5).

(2) All business and commercial uses in which there is retail sale of goods or commercial service of products, including lumber and building materials and equipment, sales, storage and service.

(3) All uses and activities that do not meet the performance standards set forth in Subsection F.

(4) All manufacturing Uses or uses of a heavy industrial nature, including:

- (a) ~~Manufacturing uses involving p~~Primary production from raw materials, such as but not limited to asphalt, cement, charcoal, fuel briquettes, chemicals and related products which may be dangerous, offensive or create nuisances violative of the intent of the performance standards set forth in Subsection F, and processes whether or not related to such production, including but not limited to nitrating, milling, reduction, refining, melting, alloying and distillation.
 - (b) Operations involving stockyards and slaughterhouses, grain elevators and slag piles.
 - (c) Bulk storage of flammable products above ground.
 - (d) Dumps, except those owned and/or operated by the town.
 - (e) Quarries, stone crushers, screening plants and storage of quarry screenings.
 - (f) Junk- and auto-wrecking yards.
 - (g) Truck terminals.
- (5) Any use which creates any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electromagnetic or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or element in such manner or in such amount as to adversely affect the use of the surrounding area or adjoining premises.

E. Special requirements.

- (1) The entire lot, except for areas covered by buildings or surfaced as parking or service areas, shall be suitably landscaped. All landscaping shall be properly maintained throughout the life of any use on said lot. Existing retaining walls, trees or landscaping located within 20 feet of any street or lot line shall not be removed except upon written approval by the Planning Board, nor shall existing grade be disturbed except with such approval.

- (2) There shall be planted along lot lines of the subject lot trees or shrubs of such type and spacing as shall be required by the Planning Board to adequately screen all operations on the lot from the view of adjoining properties. Screening shall also be required for the purpose of ensuring that the glare from headlights of vehicles in off-street parking and truck loading or maneuvering areas shall not cause safety problems for drivers on adjacent highways. Generally, such screening shall not be less than three feet ~~nor more than eight feet in height,~~ where:
 - (a) The lot lines of the subject lot coincide with those of another lot in residential use; or
 - (b) The lot abuts, or is traversed by a residence district boundary line.
- (3) All permitted uses and accessory equipment, materials or activities shall be confined within completely enclosed buildings with the exception of off-street parking spaces, and off-street loading berths ~~and employee recreational facilities.~~
- (4) Fuel storage tanks utilized as part of the heating equipment of an establishment shall be located underground or in a building. Bulk storage of gasoline or petroleum products shall not be permitted except as incidental to a laboratory, ~~a production operation~~ or the servicing of company vehicles.

F. Performance standards. Any use subject to the requirements of this section may be established and maintained if its operation is approved by the Planning Board as being in conformance with the standards and regulations limiting dangerous and objectionable elements, such as dust, smoke, odor, fumes, noise or vibration. In approving the site plan, the Planning Board shall decide whether the proposed use will conform to the applicable performance standards. The applicant shall submit to the Planning Board, if the Planning Board so requests, a written report showing the manner in which the proposed use will comply with the performance standards. Any building permit or certificate of occupancy shall be conditioned on, among other things, the applicant's paying the fees for services of such expert consultant or consultants as the Planning Board may call upon for advice as to whether or not the applicant's completed buildings and installations will conform in operation to the applicable performance standards. When the use of such consultant is required by the Planning Board, the applicant shall deposit with the Town Clerk the sum of \$500 to be applied to the fee of

such consultant. Any proceeds of such deposit not used for said consultant shall be returned to the applicant, and any deficiency shall be made up by the applicant prior to the issuance of a building permit or certificate of occupancy. The continued effectiveness of the certificate of occupancy shall be conditioned on the continuous conformance of the applicant's completed buildings, installations and uses to the applicable performance standards.

- (1) Uses subject to the performance standards procedure. Only ~~manufacturing and~~ research, experimental and testing laboratory uses and uses accessory thereto shall be subject to the performance standards procedure in obtaining a building permit. However, if the Building Inspector has reasonable grounds to believe that any other proposed use may violate any of the performance standards and reports accordingly to the Planning Board, then the applicant shall comply with the performance standards procedure.
- (2) Enforcement provisions applicable to other uses. Initial and continued compliance with the performance standards is required of every use, including those already existing on the effective date of this chapter. Provisions for enforcement of continued compliance with performance standards shall be invoked by the Building Inspector against any use if there are reasonable grounds to believe that the performance standards are being violated by such use.
- (3) Performance standards procedure.
 - (a) An application for a building permit or certificate of occupancy for a use subject to the performance standards procedure shall include a plan of the proposed construction and a description of the proposed machinery, operations and products and specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements. The applicant shall also file with such plans and specifications an affidavit acknowledging his understanding of the applicable performance standards and stating his agreement to conform with same at all times. No applicant will be required to reveal any secret processes, and any such information as designated by the applicant as a trade secret and submitted herewith will be treated as confidential. During the course of site plan review, the Planning Board will determine if the applicant's

proposal of conformance of use falls within the performance standards.

- (b) The Planning Board may require a report by one or more expert consultants retained by the applicant and approved by the Planning Board to advise as to whether the proposed use will conform to the applicable performance standards. The consultant shall report to the Board within 20 days, and a copy of his report shall be promptly furnished to the applicant. The cost of any such special reports by expert consultants shall be paid by the applicant.

(4) Performance standard regulations.

- (a) Fire and explosion hazards. All activities involving, and all storage of, flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of state and local laws and regulations shall also apply.

- (b) Vibration.

- [1] No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines; nor shall any vibration produced exceed 0.002 g peak at up to 50 cycles per second frequency, measured at or beyond the lot lines, using either seismic or electronic vibration measuring equipment.

- [2] Vibrations occurring at higher than 50 cycles per second frequency or a periodic vibration shall not induce accelerations exceeding 0.001 g. Single-impulse periodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding 0.01 g.

- (c) Noise.

[1] The maximum sound pressure level radiated by any use of facility at the lot line or the O-RMB District, O-RE District or BE District boundary shall not exceed the values in the designated octave bands given in Table I after applying the corrections shown in Table II. All landings and takeoffs of helicopters in a BE District shall comply with Table III. Normal household appliances or equipment in use during the hours of 7:00 a.m. to 9:00 p.m. shall not be subject to these regulations. For purposes of Tables I and II, the sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sound, Z24, 3-1944, American Standards Association, Inc., New York, New York, and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24, 10-1953, American Standards Association, Inc., New York, New York, shall be used.)

[2] Table I: Maximum permissible sound pressure levels at the lot line or the O-RMB District, O-RE District or BE District boundary for noise radiated continuously from a facility between the hours of 9:00 p.m. and 7:00 a.m.

Frequency Band (cycles per second)	Sound Pressure Level (decibels re 0.0002 dyne/cm²)
20 – 75	69
75 – 150	60
150 – 300	56
300 – 600	51
600 - 1,200	42

Frequency Band (cycles per second)	Sound Pressure Level (decibels re 0.0002 dyne/cm²)
1,200 - 2,400	40
2,400 - 4,800	38
4,800 - 10,000	35

[3] If the noise is not smooth and continuous and is not radiated between the hours of 9:00 p.m. and 7:00 a.m., one or more of the corrections in Table II shall be applied to the decibel levels given in Table I.

[4] Table II.

Type or Location of Operation Or Character of Noise	Corrections (decibels)
Daytime operation only	+5
Noise source operates less than	
20% of any one-hour period	+5*
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.	

[5] Table III. The acoustic criteria and procedures described in Section 4 of the Federal Aviation Administration Advisory Circular 150/5020-2, dated December 9, 1983, as they may be amended from time to time, shall be the standard governing all applications for a helicopter pad as an accessory use in a BE Business Education District. All applications for such

an accessory use shall demonstrate that the proposed use complies with this standard. Notwithstanding such compliance, helicopter landings and takeoffs shall also comply with the following conditions:

- [a] No more than an average of five landings and five takeoffs during any one calendar week during any four-week period.
 - [b] No landings or takeoffs before 7:30 a.m. or after 10:00 p.m.; except that on Sunday, no landings or takeoffs before 3:30 p.m.
 - [c] After landings and before takeoffs, the helicopter's engines shall not operate for longer than necessary for safe operation.
- (d) Smoke. No emission shall be permitted, at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the standard Ringelmann Smoke Chart as issued by the United States Bureau of Mines or its approved equivalent, except that visible grey smoke of a shade equal to No. 2 on said chart may be emitted for four minutes in any 30 minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color but with an apparently equivalent opacity.
- (e) Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any odors 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 1959 by Manufacturing Chemists' Association, Inc., Washington, D.C., and said manual and/or table, as subsequently amended.
- (f) Fly ash, dust, fumes, vapors, gases or other forms of air pollution. No emission shall be permitted which can cause

any damage to health, animals, vegetation or other forms of property or which can cause any excessive soiling, at any point on the property of others, and, in no event, any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grain per cubic foot of the conveying gas. 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.

- (g) Electromagnetic radiation. The following standards shall apply. It shall be unlawful to operate or cause to be operated any planned or intentional sources of electromagnetic radiation which do not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government-owned plants, the regulations of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of abnormal degradation in performance and of quality and proper design shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply:

[1] American Institute of Electrical Engineers.

[2] Institute of Radio Engineers.

[3] Electronic Industries Association.

- (h) Radioactive radiation. No activities shall be permitted which emit dangerous radio activity at any point beyond the property lines. The handling of radioactive materials, the discharge of such materials into air and water and the disposal of radioactive wastes shall be in conformance with all federal, state and county laws, ordinances, rules and regulations applicable thereto.
- (i) Heat. For the purposes of this chapter, "heat" is defined as thermal energy of a radioactive, conductive or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of 10° F., whether such change be in the air or the ground, in a natural stream or lake or in any structure on such adjacent property.
- (j) Glare.

[1] Direct glare. "Direct glare" is defined, for the purpose of this chapter, as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent or arc lighting or from such high temperature processes as welding or petroleum or metallurgical refining. No such direct glare shall be permitted with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60°, drawn perpendicular to the ground, with the exception that such angle may be increased to 90°, if the luminary is less than four feet above the ground. Such luminaries shall be placed not more than 16 feet above ground level, and the maximum illumination at ground level shall not be in excess of three footcandles.

[2] Indirect glare. "Indirect glare" is defined, for the purpose of this chapter, as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface not to exceed:

0.3 footcandle (maximum) or 0.1 footcandle (average). Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

- (k) Liquid or solid wastes. No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, except in accord with standards approved by the State Department of Health, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

3. Article III, Use Regulations, of the Zoning Law shall be revised to add the following new section:

Section 200-19.2 Office-Research Education District.

In the O-RE Office-Research Education District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designated to be used, in whole or in part, for any purpose except the following, and all such uses shall be subject to site plan approval in accordance with § 200-50 hereof.

A. Permitted uses.

- (1) Office buildings for business and professional offices, research, design and development laboratories, including incidental clinics, cafeterias and recreation facilities for the exclusive use of company employees, subject to the performance standards set forth in § 200-19(F).
- (2) Governmentally owned and operated buildings and uses.
- (3) Public utility structures and underground utility lines.
- (4) Training schools for the education of management, sales, research, technical, financial or other personnel.
- (5) Instructional music, performing arts and dance facilities.
- (6) Fully enclosed eating and drinking establishments.

- (7) Fully enclosed recreation facilities.
- (8) Bed and breakfast establishments.
- (9) Flex space, subject to the performance standards set forth in § 200-19.F.
- (10) One-family dwellings and all permitted uses in the R-20 One-Family Residence District.

B. Accessory uses.

- (1) Accessory garages, fire protection monitors, electrical and mechanical equipment, cafeterias and other auxiliary installations and recreational facilities for the exclusive use of bed and breakfast guests, company employees and their families, or students, faculty and other training school personnel and their families.
- (2) Dormitory residence buildings ancillary to a training school.
- (3) Parking and loading areas.
- (4) The following signs, subject to § 200-28:
 - (a) An identification sign, not exceeding 12 square feet in area, provided that not more than one such sign shall be permitted.
 - (b) Necessary directional signs, none of which shall exceed five square feet in area.
- (5) Dwellings for use of caretakers, watchmen or other company or training school personnel and their families, provided that the same are set back at least 50 feet from any adjoining lot line.
- (6) Dwellings for use as overnight lodgings for private visitors or guests in connection with the operation of a training school provided that the same are set back at least 50 feet from any adjoining lot line.

C. Prohibited uses. The following uses are prohibited in the O-RE District:

- (2) All business and commercial uses in which there is retail sale of goods or commercial service of products, except for retail stores accessory to permitted non-residential uses.
- (3) All uses and activities that do not meet the performance standards set forth in § 200-19.F.

D. Special requirements.

- (1) The entire lot, except for areas covered by buildings or surfaced as parking or service areas, shall be suitably landscaped. All landscaping shall be properly maintained throughout the life of any use on said lot. Existing retaining walls, trees or landscaping located within 20 feet of any street or lot line shall not be removed except upon written approval by the Planning Board, nor shall any existing grade be disturbed except with such approval.
- (2) There shall be planted along lot lines of the subject lot trees or shrubs of such type and spacing as shall be required by the Planning Board to adequately screen all operations on the lot from the view of adjoining properties. Generally, such screening shall not be less than three feet in height where:
 - (a) The lot lines of the subject lot coincide with those of another lot in residential use; or
 - (b) The lot abuts or is traversed by a residence district boundary line.
- (3) All permitted uses and accessory equipment, materials or activities shall be confined within completely enclosed buildings, with the exception of off-street parking spaces, off-street loading berths, recreational facilities, and electrical and mechanical equipment normally not enclosed by a building.
- (4) Fuel storage tanks utilized as part of the heating equipment of an establishment shall not be located outside~~underground or in a building~~. No other bulk storage of gasoline or petroleum products shall be permitted, except as incidental to the servicing of company vehicles.

4. Section 200-24, O-RM Office-Research Manufacturing District and BE Business Education District, of the Zoning Law shall be revised as follows:

Section 200-24. O-RMB Office-Research ~~Business~~Manufacturing District, O-RE Office-Research Education District and BE Business Education District.

The following bulk and parking regulations shall apply for the O-RBM Office-Research ~~Business~~Manufacturing District, the O-RE Office-Research Education District and the BE Business Education District:

A. Minimum required.

Dimension	<u>O-RBM</u> <u>O-RE</u>	BE
Lot area Editor's Note: See Note No. 1, Subsection C of this section. (acres)	10	40
Lot width Editor's Note: See Note No. 1, Subsection C of this section. (feet)	300	300
Lot depth Editor's Note: See Note No. 1, Subsection C of this section. (feet)	300	300
Front yard Editor's Note: See Note No. 1, Subsection C of this section. (feet)	100	100
Side yard Editor's Note: See Note No. 1, Subsection C of this section. (feet)	100	100
Side yard for lots along any residence district boundary (feet)	200	150
Rear yard (feet)	100	100
Rear yard for lots along any residence district boundary (feet)	200	150

- (1) Parking and loading areas in an O-RBM District are to be located not less than 200 feet from the boundary of any residence district in the Town of Ossining or any adjoining municipality and not less than 100 feet from any other lot line. (See Note 1. **Editor's Note: Note No. 1 is included as Subsection C of this section.**) Furthermore, in parking lots of one acre or more, at least 5% of the area of the parking lot shall be devoted to landscaping within the interior of the parking area.
- (2) Minimum required off-street parking and loading, O-RE District or BE District. Off-street parking and loading requirements shall be determined by the Planning Board to the extent reasonable and necessary to accommodate the principal and accessory uses permitted in the O-RE District or BE District as part of site plan approval. Parking and loading areas in the O-RE District or BE District are to be located not less than 100 feet from the boundary of any residence district in the Town of Ossining or any adjoining municipality and not less than 30 feet from any other lot line. Furthermore, in parking lots of one acre or more, at least 5% of the area of the parking lot shall be devoted to landscaping within the interior of the parking area.

B. Maximum permitted in O-RBM O-RE and BE.

- (1) Building height: 35 feet.
- (2) Lot coverage (buildings): 25%.
- (3) Height limitations of this section shall not apply to ventilators, skylights, water tanks, bulkheads, building chimneys, cooling towers, necessary mechanical appurtenances and similar features usually carried above the roof level, provided that:
 - (a) 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.
 - (b) The height of each such feature shall not exceed 15 feet above the level of such roof.
 - (c) Such features as water tanks, cooling towers and bulkheads shall be enclosed with walls of a material and design in

harmony with that of the main walls of the building of which they are a part, which material and design shall be subject to approval by the Planning Board.

- (d) In a BE District, the maximum permitted building height specified above may be increased to 50 feet when a substantial portion of such additional height is used to house or enclose ventilators, water tanks, bulkheads, etc., at the roof level, provided that such roofs or enclosures are of materials and design which are in harmony with the main walls and roofs of the building of which they are a part, which materials and design shall be subject to approval by the Planning Board.

C. Note No. 1. Any parcel in thean O-RBM District or the O-RE District, which has an area of 10 acres or more may be subdivided and subsequently sold or leased. Each subdivision shall be subject to the Subdivision Regulations of the Town of Ossining and the following special requirements: Editor's Note: See Ch. 176, Subdivision of Land.

(1) Minimum lot size.

- (a) Within the O-RBM District and the O-RE District, each principal building, together with its accessory buildings, shall be located on a lot having at least two acres.

(2) Required yards.

- (a) No principal or accessory buildings shall be located:

[1] Less than 200 feet from the boundary of a residence district in any municipality and less than 100 feet from the boundary of any commercial district.

[2] Highways.

- [a] Less than 100 feet from the right-of-way of a limited-access highway, except that when the distance from the property line of the lot to the pavement of the limited-access highway is in excess of 50 feet, the minimum setback from the property line shall be 50 feet.

- [b] Less than 100 feet from any other highway or public street right-of-way, except for a local street located entirely within and serving only properties within the O-RBM District or the O-RE District, for which the minimum setback shall be 50 feet.

- [3] Less than 50 feet from any other lot lines.

- (b) No accessory off-street parking and truck loading or maneuvering area shall be located:
 - [1] Less than 200 feet from the boundary of a residence district in any municipality or less than 50 feet from the boundary of any commercial district. Notwithstanding the above, the Planning Board may allow a maximum of a fifty-foot reduction in the above-specified two-hundred-foot dimension, where it has been clearly demonstrated to the Planning Board that adverse impacts will not result from such reduction, because of such mitigation matters as topography or natural screening, and/or such man-made screening as the Board directs.

 - [2] Less than 10 feet from the boundary of any adjacent lot within the O-RBM District or the O-RE District.

 - [3] Highways.
 - [a] Less than 75 feet from the right-of-way of a limited-access highway, except that when the distance from the property line of the lot to the pavement of the limited-access highway is in excess of 50 feet, the minimum setback from the property line shall be 50 feet.

 - [b] Less than 40 feet from the right-of-way of any other highway or public street, except for a local street located entirely within and serving only properties within the O-RBM District or the O-RE District, for which the minimum setback shall be 20 feet.

- [4] No truck loading facilities of any type, including platforms, shall be permitted along the wall of any building where such wall faces a limited-access highway or street.
 - [5] No parking facilities shall be located within 10 feet of the wall of any building where such wall faces any street or highway.
- (3) Street access and frontage. Each lot shall have a minimum frontage of 200 feet on a street or private way; provided, however, that the Planning Board may approve a lesser frontage to a minimum of 100 feet for lots located on culs-de-sacs or on street curves, or those having other unusual characteristics.
 - (4) Spacing between buildings. No building, other than an accessory building with ground coverage of less than 1,000 square feet, shall be located closer to another building than a distance equal to the height of the higher building, and in no event less than 30 feet therefrom, whether or not connected to such building by a canopy, enclosed walkway or similar structure.

Section 4. Rezoning

The zoning of the parcel designated Section 80.19, Block 2, Lot 34 on the Town of Ossining tax maps, located at 600 Executive Boulevard, and currently zoned O-RM Office-Research Manufacturing District is hereby changed to the O-RE Office-Research Education District.

Section 5. Zoning Map

The Zoning Map of the Town of Ossining is hereby amended to show the changes specified in Section 4 above.

Section 6. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 7: Inclusion in Code

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; that the sections and subsections of this Local Law may be renumbered or relettered to accomplish such intention; and that the words “local law” shall be changed to “chapter,” “section” or other appropriate word, as required for codification.

Section 8: Renumbering

The location and numerical designation of this Local Law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may renumber this Local Law and sections as are necessary to accommodate these amendments.

Section 9: Codification

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section numbers by the codifier, General Code, in accordance with the numbering system of the Code.

Section 10: Codifier’s Changes

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 11: Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 12: Effective Date

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

J:\DOCS2\500\Ossining (t)\code amendments\comp plan implement\items5 and 6 LL 10-13-10.dhs.doc

LOCAL LAW # ___ OF THE YEAR 2011

BE IT ENACTED by the Town Board of the Town of Ossining as follows:

Section 1: Title

This Local Law shall be known and cited as “Local Law #__ of 2011, for the Purpose of Amending the Zoning Law Regarding Fences, Nonconforming Uses, Parking and Impervious Surfaces.”

Section 2: Legislative Intent

The Town Board believes that the Zoning Law is in need of amendment to improve its regulations regarding fences, nonconforming uses, parking and impervious surfaces. This Local Law is determined to be an exercise of the legislative powers of the Town to address omissions and to strengthen the Town Zoning Law for the protection of the health, safety and welfare of residents.

Section 3: Zoning Law Amendments

1. Section 200-25.D(1) of the Zoning Law shall be revised to read as follows:

(1) Permitted obstructions. Cornices or cantilevered roofs may project not more than three feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six inches into a required yard. Fences or walls over 6-1/2 feet in height may not be erected in front, rear or side yards. Fences or walls with a height in excess of 6-1/2 feet shall conform to the requirements set forth herein for buildings. Paved areas (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 lot lines. All fences shall be installed with the more attractive side facing neighboring properties.

2. The title of Article VII and Section 200-36 of the Zoning Law shall be revised to read as follows:

ARTICLE VII. GrandfatheredNonconforming Uses and Noncomplying Buildings and Uses

§ 200-36. Grandfathered~~Noneconforming~~ uses.

- A. A ~~grandfathered~~noneconforming use is any use, whether of a building or tract of land or both, existing on the effective date of this chapter, which does not conform to the use regulations of the district in which it is located.
- B. The following provisions shall apply to all ~~grandfathered~~buildings and uses existing on the effective date of this chapter ~~which do not conform to the requirements set forth in this chapter~~ and to all ~~buildings and uses~~ that become ~~grandfathered~~noneconforming by reason of any subsequent amendment to this chapter.
- (1) Grandfathered Noneconforming uses. Any grandfathered ~~noneconforming~~ use of buildings or ~~open~~ land, except those specified in § 200-38 herein, may be continued indefinitely subject to the following~~but~~:
- (a) They shall not be enlarged, altered, extended, reconstructed or restored, except as provided in Subsection B(1)(d), or placed on a different portion of the lot or parcel of land occupied by such uses on the effective date of this chapter, nor shall any external evidence of such use be increased by any means whatsoever.
- (b) They shall not be moved to another location where such use would be nonconforming.
- (c) They shall not be reestablished if such use has been discontinued for any reason for a period of one year~~three months~~ or more.
- (d) They may~~Shall not~~ be restored ~~for other than a conforming use after damage; from a natural disaster (for example, fire, flood, lightning, etc.) for any reason, exceeding 25% of its value exclusive of foundations.~~
- C. Any use constructed in conformance with site development plans approved pursuant to Article VI, Designed Multiple-Use Development, prior to its deletion from this chapter, shall not be considered a ~~grandfathered~~noneconforming use.

3. Section 200-38 of the Zoning Law shall be revised to read as follows:

§ 200-38. Termination of grandfathered~~noneconforming~~ uses.

Each of the grandfathered~~noneconforming~~ uses specified herein is deemed sufficiently objectionable, undesirable and out of character in the district in which such use is located as to depreciate the value of other property and uses permitted in the district and to blight the proper and orderly development and general welfare of such district and the community to the point that each of such grandfathered~~noneconforming~~ uses shall be terminated on or before the expiration of the specified period of time after the effective date of this chapter, which period of time is specified for the purpose of permitting the amortization of the remaining value, if any, of such use:

- A. In any residence district, any grandfathered~~noneconforming~~ use of open land, including such uses as a parking lot, trailer, junkyard or open-storage yard for materials or equipment, may be continued for ~~one~~three years after the effective date of this chapter, provided that after the expiration of that period such grandfathered~~noneconforming~~ use shall be terminated.
- B. In any residence district, any sign not of a type permitted, or of a permitted type but greater than the maximum permitted size, may be continued for one year following the effective date of this chapter, provided that after the expiration of that period such grandfathered~~noneconforming~~ use shall be terminated.

4. Section 200-29.A(8) of the Zoning Law shall be revised to read as follows:

- (8) Location and ownership.
 - (a) Required accessory parking spaces, open or enclosed, shall be provided upon the same lot as the use to which they are accessory or elsewhere, provided that all spaces therein are located within 200 feet walking distance of such lot. In all cases such parking spaces shall conform to all the regulations of the district in which the parking spaces are located, and in no event shall such parking spaces be located in any residence district unless the use to which the spaces are accessory are permitted in such residence districts or upon approval by the Planning Board. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, approved by the Planning Board, binding the owner and his heirs and assigns to maintain the required number

of spaces available either throughout the existence of the use to which they are accessory or until such spaces are provided elsewhere.

- (b) The parking of vehicles shall only take place on driveways and in parking areas, and not on lawns or other vegetated areas. Notwithstanding the above, the parking of vehicles may take place on lawns and other vegetated areas during an event with prior notification to the Building Inspector, when washing said vehicles or during and associated with snow events. Not more than one unregistered vehicle may be parked outdoors on any property at any one time.
- (c) The parking or storage of earth moving equipment, contractor's equipment, commercial snow plows or other similar equipment and machinery shall be prohibited on all residentially used or zoned lots, unless such equipment or machinery are directly involved with an active construction project on said lot.
- (d) Not more than one commercial vehicle, as defined in this chapter (other than those which are specified in subsection (c) immediately above which are prohibited) may be parked or stored outdoors on any residentially used or zoned lot at any one time.

5. Section 200-29.G of the Zoning Law shall be revised to read as follows:

G. Trailers, recreational vehicles (RVs), buses and boats.

- (1) The storage or parking and use of a trailer, recreational vehicle or bus by any person or persons is hereby prohibited in all districts, except that:
 - (a) One camping trailer, recreational vehicle or bus not over 25 feet in length may be stored, but not used for any purpose, on an occupied lot in any residence district, provided that such trailer, recreational vehicle or bus is not stored within any required yard nor between the street line and the principal building.
 - (b) Where a building permit has been issued for the construction or alteration of a building, the Building Inspector may issue a temporary permit for one trailer for a period not to exceed six

months. Said temporary permit may be extended for one additional period of six months if the Building Inspector finds that construction has been diligently pursued and that justifiable circumstances require such an extension. Said trailer may be occupied during the term of the temporary permit and shall be situated upon the lot for which the building permit has been issued. Prior to the issuance of such a temporary permit by the Building Inspector, the location of said trailer on the lot shall be subject to Planning Board approval. Said Board may attach to its approval whatever conditions shall be deemed necessary to carry out the intent of this chapter.

- (2) Not more than one boat per dwelling unit may be stored on an occupied lot in any residence district, provided that such boat is not stored within any required yard nor between the street line and the principal building.

6. Section 200-21 of the Zoning Law and shall be revised to read as follows:

§ 200-21. One-family residences in residential districts.

- A. The following bulk regulations shall apply for one-family residences in the following districts: R-40, ~~R-35~~, R-30, R-20, R-20A, R-15, ~~R-15X~~, R-10, R-7.5 and R-5. Editor's Note: Said Schedule of Bulk Regulations is included at the end of this chapter.
- B. The maximum amount of impervious surface, as defined in this chapter, on any residentially used or zoned lot shall be calculated in accordance with the table below. In said table, the "Base Lot Area" is the minimum end of the lot size range in the "Lot Area" column. The creation of more than 100 square feet of impervious surface on such lots is subject to the issuance of a permit from the Building Inspector.

LOT AREA (sq.ft.)	MAXIMUM PERMITTED IMPERVIOUS SURFACE	
	For Base Lot Area (sq.ft.)	For Lot Area Over Base Lot Area (%)
0 to 4,000	0	55
4,001 to 6,000	2,200	35
6,001 to 12,000	2,900	27
12,001 to 16,000	4,520	26
16,001 to 20,000	5,560	25
20,001 to 30,000	6,560	24
30,001 to 40,000	8,960	23
40,001 and larger	11,260	22

7. **A new Section 200-25.G shall be added to the Zoning Law and shall read as follows:**

G. Portable storage unit. A maximum of one portable storage unit may be placed on any residentially used or zoned lot for a period not exceeding nine months during any 12-month period if the property owner possesses a valid building permit, or for a period not exceeding three months during any 12-month period otherwise. Said storage unit shall only be placed on a driveway or in a parking area, and not on lawns or other vegetated areas.

Section 4. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5: Inclusion in Code

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; that the sections and subsections of this Local Law may be renumbered or relettered to accomplish such intention; and that the word "local law" shall be changed to "chapter," "section" or other appropriate word, as required for codification.

Section 6: Renumbering

The location and numerical designation of this Local Law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may renumber this Local Law and sections as are necessary to accommodate these amendments.

Section 7: Codification

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section numbers by the codifier, General Code, in accordance with the numbering system of the Code.

Section 8: Codifier's Changes

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 9: Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 10: Effective Date

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.