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Title: Village of Bronxville Controlled Development District Ordinance
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Abstract

In order to facilitate planned and controlled development in accordance with the Village Comprehensive Plan, the Village of Bronxville establishes Controlled Development Districts too allow for possible development on a scale and with a flexibility that could not otherwise be achieved in the Village's present zoning districts. The newly established districts recognize that some developments require specialized consideration and treatment by providing for the establishment of separate and distinct substantive standards for planned and controlled developments. Applications for these Controlled Development Districts go through a stringent process and are only granted if the Planning Board determines that such a district will not be a detriment to the comprehensive plan of the community.

Resource

Village of Bronxville NY Controlled Development District
Code of the Village of Bronxville NY
Chapter 310: Zoning
Article IV

ARTICLE IV Controlled Development Districts

§ 310-16. General considerations.

A procedure is hereby established for the designation of CD Districts, in order to facilitate planned and controlled development in accordance with the Village Comprehensive Plan, as described in § 310-45 and to provide a basis for possible development on a scale and with a flexibility that could not otherwise be achieved in the Village's present zoning districts.

§ 310-17. Purposes and legislative intent.

In addition to the purposes and legislative intent set forth in § 310-2 and Subsection A(2) of § 310-44 of this chapter, the districts established pursuant to this article shall have among their purposes the following:

- A. To recognize that some developments may, by virtue of their scale, size, complexity and unique building sites, require specialized consideration and treatment by Village authorities and may not be adequately addressed by district regulations as set forth in Article III;
- B. To provide for the establishment of separate and distinct substantive standards for planned and controlled developments of varying sizes or to recognize and encourage the advantages which may accrue from the complexities of particular and/or unique parcel size, location within the Village, juxtaposition with adjacent land uses and community facilities and functions and to take into account the increasing need for flexibility in types of uses, building types, location and design and development timing required in such developments and the increasing need to plan and control such complex developments so as to minimize or to compensate for, their effect on surrounding uses and public services;
- C. To provide combinations of permitted uses and variations in the relationship of uses, structures, open spaces, density and heights of structures in developments conceived as cohesive and unified projects; and
- D. To provide a controlled review and zoning procedure and to encourage good development while assuring that such development shall further the purposes of this chapter and the Village Comprehensive Plan.

§ 310-18. Qualifying standards.

- A. Permitted uses. All uses within a CD District shall be determined by the Board of Trustees according to the provisions of this article, provided that permitted uses may include only those uses permitted in Residence C, Residence D, Business A or Business B districts, irrespective of the location of the CD District.
- B. Location. A CD District may be located only west of the Metro North Railroad right-of-way which is zoned, at the time the application, as Residence C, Residence D, Business A, Business B or Residence B.
- C. Area. The minimum area required to qualify for a CD District shall be two contiguous acres.

D. Ownership. Application for a CD District relating to a particular parcel or parcels of land shall be made by or on behalf of all owners of such parcel(s).

§ 310-19. District standards.

In considering a CD District application, in addition to the purposes set forth in § 310-17, the Planning Board and the Board of Trustees shall give consideration to the standards set forth in § 310-30.

§ 310-20. Authority.

The Board of Trustees shall be the Village authority responsible for designating a CD District.

§ 310-21. Procedure.

The procedure for designation of a CD District shall be as set forth in § 310-47 of this chapter.

§ 310-47. CD District designation.

A. Procedure. The procedure for designation of CD District, as provided for in Article IV of this chapter, shall involve the following process:

- (1) Application to the Board of Trustees for CD District approval;
- (2) Concurrent application to the Planning Board, pursuant to § 310-44 and Article VI of this chapter for approval of the site plan covering the proposed district;
- (3) Concurrent Planning Board hearing, review and action on the CD District application and on the site plan application; and
- (4) Hearing and decision by the Board of Trustees on the CD District application.

B. Application. Application for the designation of a CD District shall be submitted to the Board of Trustees concurrently with the submission of a site plan application pursuant to Article VI of this chapter. The CD District application shall be accompanied by fees as established by resolution of the Board of Trustees. The fees shall be in addition to any fee(s) required by Subsection B of § 310-27. The application shall contain the information set forth in Subsection C of this section and shall be submitted (including the information from the site plan application incorporated by reference) in 15 copies, except that only one scale model need be submitted. Any information required to be submitted in the application may be waived by the Planning Board on the basis that the

particular item is not necessary, in light of the type, size or scope of development proposed, to a full and complete review of the proposed development.

C. Form of application for CD District. Every application for CD District designation shall incorporate by reference the site plans and other information required by Subsection B of § 310-31 with respect to a site plan application and in addition shall include the following:

(1) Graphic renderings and photographs of the existing site conditions, which depict but are not limited to all significant, natural, topographical and other physical features of the subject property, location and extent of tree cover, water courses, existing drainage patterns, vistas and soil conditions as they affect development and structures and significant natural features on abutting properties;

(2) A written statement generally describing the proposed development, the need and market which it is intended to serve and its relationship to the Comprehensive Plan (where the proposal is inconsistent with the Comprehensive Plan, the statement shall include reasons justifying an amendment of the Comprehensive Plan);

(3) A model built to scale adequate to show clearly the design intent;

(4) A written statement of the extent to which the proposed development does not comply with and conform to the standards of the zoning district in which the property is located and the reasons why; and

(5) Professional studies of the anticipated impact of the proposed development upon the Village with respect to parking, traffic and transportation facilities, public utilities (such as storm and sanitary sewers and water supply), public services (such as fire protection, police and garbage disposal) and potential disturbances to the public and adjacent properties due to signs, walls, light and noise or odors to be emitted from the proposed use.

D. Referral and availability to the public. The Superintendent shall refer the CD District application to the Design Review Committee and Planning Board, for review and report as hereinafter provided, concurrently with the referral to the Planning Board of the site plan application. The Superintendent shall also cause the CD District application to be made available to the public for inspection and copying in the office of the Village Clerk and shall cause public notice of the filing of the application to be given.

E. Hearing and recommendation by the Design Review Committee and Planning Board.

- (1) The Design Review Committee and Planning Board shall each review the CD District application concurrently with its review and action upon the site plan application. The Design Review Committee shall report its findings to the Planning Board simultaneously with its report on the site plan application. The Planning Board shall hold a public hearing upon the CD District application. Such a hearing may be held in conjunction with the public hearing required on the site plan application pursuant to Subsection D of § 310-44. Concurrently with the issuance of its decision on the site plan, the Planning Board shall issue a written report to the Board of Trustees which recommends approval, approval subject to modifications of the application or disapproval of the application.
 - (2) The Planning Board shall set forth in its report findings as to why the proposed CD District would or would not be in the public interest, in what respect it is or is not consistent with the purposes set forth in § 310-17 of this chapter, and, if approval is subject to modifications, the reason therefor. The Planning Board shall also state in what respects the proposed CD District is or is not consistent with the Comprehensive Plan and if the Planning Board recommends approval, it shall recommend to the Board of Trustees to adopt any necessary modifications to the Comprehensive Plan and shall include in its report the reasons justifying such modifications. In addition, the Planning Board shall state in what respects the proposed CD District is or is not in conformity with the requirements of the zoning district(s) in which it is located, and, if the Planning Board recommends approval, the reasons justifying variance from those requirements.
- F. Effect of Planning Board action. If the report of the Planning Board recommends approval of the CD District application (whether or not subject to modifications) and if the Planning Board approves the site plan application (whether or not subject to modifications), the CD District application shall be referred to the Board of Trustees. If either application is disapproved by the Planning Board, the CD District application shall be deemed disapproved by the Board of Trustees without further action.
- G. Public hearing. Within 30 days after receiving the report of the Planning Board recommending approval of the CD application or such longer period of time as may be agreed to by the applicant, a public hearing on the application shall be held by the Board of Trustees in the manner prescribed for hearings on amendments to this chapter. Notice of such public hearing shall state that the application and the report of the Planning Board are available for inspection and copying in the office of the Village Clerk.
- H. Action by the Board of Trustees. Within 30 days following the conclusion of this public hearing by the Board of Trustees or such longer period of time as may be agreed to by the applicant, the Board of Trustees shall either:

- (1) Disapprove the CD District application;
 - (2) Refer the application back to the Planning Board for further consideration within 60 days of specified matters; or
 - (3) Approve the CD District application and any necessary modifications to the Comprehensive Plan and so designate on the 1995 Zoning Map of the Village of Bronxville that the subject area is a CD District; provided, however, that if the application is approved with modifications, the Zoning Map shall not be so designated until the applicant has filed his or her written consent to such modifications. The failure of the Board of Trustees to take action within the time limit herein specified shall be deemed disapproval of the CD District application.
- I. Effect of approval. Upon approval by the Board of Trustees of a CD District application, the area designated in the application shall become a CD District for which the requirements are all of the specifications set forth in the application, as modified and approved.
 - J. Rezoning. If the approved site plan is abandoned or is not substantially implemented within the two years following its approval by the Planning Board, the Board of Trustees shall have the power to rezone the CD District.