

Topic:	Mixed/Multiple Use; Development Standards; Comprehensive Planning; Open Space Preservation; Historic Preservation; Scenic Resources; Site Design Standards; Site Plan Approval
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	Village of Croton-on-Hudson
Year (adopted, written, etc.):	2005
Community Type – applicable to:	Suburban; Rural
Title:	Village of Croton-on-Hudson Multiple Development Use District
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Abstract

This law creates guidelines for creating a multiple/mixed use district in the Village of Croton-on-Hudson. The law includes information such as: eligibility requirements, general conditions, permitted uses, site development standards, procedures for MDU designation and approval of site development plans, lapse of approval of site development plan, performance guaranty, phasing of development, amendment of site development plan, and revocation of MDU designation.

Resource

Village of Croton-on-Hudson NY Multiple Development Use District

Code of the Village of Croton-on-Hudson NY

Chapter 230: Zoning

Article V Special Districts

General Code

[http://www.e-](http://www.e-codes.generalcode.com/codebook_frameset.asp?t=tc&p=0035%2D230%2Ehtm%23Section230%2D22%2E&cn=962&n=[1][108][929][936][962])

[codes.generalcode.com/codebook_frameset.asp?t=tc&p=0035%2D230%2Ehtm%23Section230%2D22%2E&cn=962&n=\[1\]\[108\]\[929\]\[936\]\[962\]](http://www.e-codes.generalcode.com/codebook_frameset.asp?t=tc&p=0035%2D230%2Ehtm%23Section230%2D22%2E&cn=962&n=[1][108][929][936][962])

[Article V added 1-11-1982 by L.L. No. 2; amended in its entirety 1-31-2005 by L.L. No. 1-2005]

§ 230-21. Multiple Development Use.

A. Purpose. A multiple development use (MDU) is intended to:

- (1) Facilitate development consistent with the Comprehensive Master Plan of the Village.
 - (2) Achieve variety and flexibility in land development.
 - (3) Promote development which will preserve the natural environment.
 - (4) Encourage efficiency in the use of land.
 - (5) Preserve features of unusual historic or scenic value.
 - (6) Permit development of larger tracts of land as a unit.
- B. Eligibility requirements. Each multiple development use shall be comprised of 10 or more contiguous acres of land under single ownership.
- C. General conditions.
- (1) A multiple development use designation shall require the tract so designated to be developed as a unit pursuant to one site development plan covering the entirety of the designated contiguous tract of land.
 - (2) A multiple development use designation shall be effected by the Village Board of Trustees as an amendment to the Village Zoning Map, in accordance with the procedures set forth in Article XVI of this chapter and such regulations as the Village has adopted or may in the future adopt under such article.
 - (3) A multiple development use must be consistent with the goals of the Comprehensive Master Plan of the Village, and it will be the responsibility of the applicant to demonstrate such consistency.
 - (4) After designation of a tract of land as a multiple development use by the Village Board of Trustees, development of the same shall be subject to preliminary and final site development plan approvals by the Planning Board, in accordance with the procedures set forth in Article XI of this chapter and such regulations as the Village has adopted or may in the future adopt under such article.
- D. Permitted uses.
- (1) All uses permitted for the land immediately prior to its designation as a multiple development use shall be deemed permitted uses, except that retail sales and

banks shall not be permitted.

- (2) In designating land as a multiple development use, the Village Board of Trustees may also permit any or all of the following uses, provided that it is established to the satisfaction of the Village Board of Trustees that such use is an integral part of the proposed development, is logically related to its needs and is consistent with the goals of the Master Plan.
 - (a) For land located in an RA, RB or RC Zoning District, such uses as are permitted in any residential zoning district; in a C-1 District, scaled primarily to meet the needs of the residents of the MDU, except that such scaling down need not be required for uses found in § 230-16A(3), (4), (5) and (6) and in an O-1 District; and
 - (b) For land located in a zoning district other than RA, RB or RC, such uses as are permitted in a nonresidential zoning district. In determining the permitted uses, consideration shall be given to the size of the site and the location with respect to community services, facilities and transportation. Any permitted use other than those uses permitted for the land immediately prior to its designation as a multiple development use shall be deemed conditional permitted uses, revocable as provided in this chapter.

E. Site development standards.

- (1) All bulk, height and parking regulations applicable to the district in which the land is located shall apply to an MDU except as otherwise provided by the Board of Trustees, which is empowered to modify the applicability of any such regulation by the resolution designating and approving a multiple development use; provided, however, that in no event shall:
 - (a) The maximum residential density exceed 110% of the density allowed before the land was designated as an MDU.
 - (b) A grouping of residences exceed 200 feet in length.
 - (c) The distance between a grouping of residences be less than the height of the tallest building in the group.
- (2) Determination of maximum density.
 - (a) The determination of the maximum permitted density allowed before the land was designated as an MDU and before any bonus shall be based on the

existing zoning and the size of the parcel without reduction for such factors as internal roads or the requirement of dedication of property for recreational facilities.

- (b) An application for designation as an MDU shall not be accompanied by an application for rezoning of the land into a less restrictive district. It is the intent of this subsection that an MDU shall not be used as a basis for increasing residential density beyond the limits specified in this Subsection E(2).
- (c) Residential density in excess of that allowed prior to designation as an MDU shall be permitted only for architectural excellence, inclusion of recreational facilities, such as a swimming pool or tennis courts, or other elements contained in the MDU which are of special benefit to the Village, meet general community needs or reduce the potential strain on other community facilities.

F. Procedures for MDU designation and approval of site development plans.

- (1) An MDU shall be designated by the Village Board of Trustees as an amendment to the Zoning Map on petition of the owner of the tract of land for which an MDU designation is sought.
- (2) A petition for MDU designation shall be filed with the Village Board of Trustees, accompanied by such fee as the Village Board of Trustees may from time to time set in the regulations under this section. Such petition shall be supported by a preliminary site development plan containing the information required by Article XI of this chapter and such regulations as the Village has adopted or may in the future adopt under such article. The submission shall also include the following documentation:
 - (a) Evidence of how the particular mix of land uses meets the needs of the residents of the proposed MDU as well as general community needs.
 - (b) Evidence that the proposal is compatible with the goals of the Master Plan.
 - (c) If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the preliminary site development plan shall show the intended total project.
- (3) A petition for MDU designation and all supporting submissions shall be referred by the Village Board of Trustees to the Planning Board, and a recommendation

shall be made by the Planning Board to the Village Board of Trustees pursuant to and within the terms provided by Article XVI of this chapter. Subsequent to receipt of the recommendation of the Planning Board or to the expiration of the above-mentioned term without recommendation of the Planning Board and after public hearing as provided by § 230-180C, the Village Board of Trustees shall act upon the petition. If said decision should grant the petition and amend the Village Zoning Map, the decision shall state the permitted uses, density, bulk and parking regulations and other regulations and conditions, all as provided in § 230-25 of this chapter. Such conditions may include but are not confined to visual and acoustical screening, land use mixes, order of construction and/or occupancy, vehicular and pedestrian circulation systems, availability of sites within the area for necessary public services, protection of natural sites and other such conditions that may be required by the public health, safety and general welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood.

- (4) After the decision of the Village Board of Trustees amending the Village Zoning Map to designate a tract of land as an MDU, the owner shall submit to the Planning Board preliminary and/or final site development plans. The Planning Board shall approve, approve conditionally or disapprove such plans, in accordance with Article XI of this chapter and such regulations as the Village has adopted or may in the future adopt under such article. In acting upon such submission, the Planning Board shall be bound by the terms of the Village Board of Trustees' amendment to the Village Zoning Map designating as an MDU the tract of land covered by the submission.
 - (5) The Planning Board shall not approve any site development plan covering less than the entirety of a tract of land designated as an MDU.
 - (6) Prior to the issuance of a building permit, all site development plans shall be subject to approval by the Planning Board.
- G. Lapse of approval of site development plan. If no construction has begun or no use has been established in the MDU within one year from the date of the Planning Board's approval of the final site development plan, said approval shall lapse and be of no further effect. If construction has begun or use has been established within one year from the date of the Planning Board's approval but the development has not been completed within three years of said approval, then said approval shall, except as provided in Subsection I relating to phasing of development, lapse and be of no further effect in relation to the uncompleted part of the development. Upon such lapse, any conditionally permitted use, regulation and condition made in connection with the designation of the multiple development use shall also lapse, and the land shall automatically be rezoned to its prior use classification.

- H. Performance guaranty. The Village Board of Trustees shall, as a condition of the amendment of the Village Zoning Map designating an MDU, require a bond on terms satisfactory to said Board, guaranteeing performance of the final site development plan approved by the Planning Board.

- I. Phasing of development. The Village Board of Trustees in its amendment to the Village Zoning Map designating an MDU or the Planning Board in its approval of the final site development plan for an MDU may permit or require that such development be phased over a number of years and may direct the chronological order of development. In such case, the term beyond which failure to complete the development shall result in lapse of the Planning Board's approval under Subsection G shall be, in respect of each phase of the development, that stipulated for that phase.

- J. Amendment of site development plan. Any application for amendment of an approved site development plan shall be dealt with by the Planning Board under Article XI of this chapter in the same manner as an original site development plan application, except to the extent that the required information is contained in the approved site development plan. In acting upon an application for such amendment, the Planning Board shall be bound by the terms of the Village Board of Trustees' amendment to the Village Zoning Map designating as an MDU the tract of land covered by the approved site development plan.

- K. Revocation of MDU designation. The Village Board of Trustees may revoke the designation of a tract of land as an MDU as an amendment to the Village Zoning Map and in accordance with the procedure set forth in Article XVI of this chapter. Upon such revocation, all uses, bulk and parking regulations and other regulations and conditions affecting the development of such tract of land shall be those of the original zoning district of said tract of land.