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<b>Title:</b>	Village of Croton-on-Hudson Water Supply Protection Ordinance
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### ***Abstract***

The Water Supply Protection Code of the Village of Croton-on-Hudson dictates that each Waterfront Development District shall be comprised of 10 or more contiguous acres of dry land under single ownership and shall have a minimum of 1,000 feet of shoreline along the Hudson River. Permitted uses include specific recreational, residential, and special permit uses, but accessory uses are limited to those uses that are customarily incidental to the permitted uses. It additionally provides the requirements regarding enclosure, landscaping, bulk, height, parking, public access, and the procedures for site development plan approval.

### ***Resource***

Village of Croton-on-Hudson NY Waterfront Development District  
Code of the Village of Croton-on-Hudson NY  
Chapter 230: Zoning  
Article V Special Districts

#### **§ 230-22. Waterfront Development (WD) District.**

A. Purposes. The Waterfront Development District zoning provisions are intended to facilitate the development of property along the Hudson River waterfront while:

- (1) Being consistent with the overall intent of the Village's Master Plan.
- (2) Being consistent with the provisions of the Village's Local Waterfront Revitalization Program.
- (3) Being consistent with the overall intent of the Village's Greenway Vision Plan.
- (4) Enhancing and utilizing the potential of the Village's riverfront.

(5) Strengthening the physical integrity of the Hudson River waterfront and the economic viability of the Village.

(6) Expanding the use and public accessibility to the Village's Hudson River waterfront for purposes of recreation, leisure and year-round residence.

(7) Encouraging the development of larger tracts of land as single, unified and comprehensive projects.

B. Eligibility. Each Waterfront Development District shall be comprised of 10 or more contiguous acres of dry land under single ownership and shall have a minimum of 1,000 feet of shoreline along the Hudson River.

C. General conditions.

(1) Single development plan. The Waterfront Development District designation shall require the tract so designated to be developed pursuant to one site development plan covering the entirety of the designated tract of land and showing the complete development of the site, including any phasing which may be permitted or required in accordance with § 230-22K(5)(d) below.

(2) Amendment to Zoning Map. A Waterfront Development District designation shall be effected by the Village Board of Trustees as an amendment to the Village's 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) Site development plan approval. Proposed development of a tract of land in a Waterfront Development District 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. Notwithstanding the above, the Planning Board may employ a single-phase site development plan review and approval process where, in the Planning Board's judgment, said single-phase process will be equally protective of the public health, safety and general welfare and will serve equally to implement the purposes enumerated in §§ 230-2 and 230-22A of this chapter. Any changes in the uses, layout, buildings, structures or other aspects of the development shall require a site development plan amendment and corresponding Planning Board review and approval in conformity with the procedures set forth in Article XI and any regulations thereunder.

D. Permitted uses. 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:

(1) Recreational uses. The following recreation facilities:

(a) Swimming, waterskiing, fishing, sailing and boating.

(b) Ice skating.

(c) Tennis, platform tennis and other racquet sports, handball, basketball and other similar sports.

(d) Picnic areas, playgrounds and trails.

(2) Residential uses. The following types of residential development:

(a) Attached or detached single-family dwellings.

(b) Two-family dwellings.

(c) Multiple-family dwellings.

(d) Recreational and public assembly facilities associated with residential development.

(3) Special permit uses. Subject to the issuance of a special permit by the Village Board of Trustees, the following uses:

(a) Restaurants.

(b) Marinas and yacht clubs.

(c) Ferry terminals.

(d) Docks and piers for any permitted use under this section.

(e) Repair facilities for recreational boats.

(f) Public utilities.

(g) Municipal facilities subject to § 230-45 of this chapter.

(h) Cultural uses:

[1] Theaters for the performing arts.

[2] Temporary art, craft and educational exhibits.

[3] Band shells.

[4] Museums.

(4) Additional considerations. The Planning Board, before recommending approval of a special permit for any of the uses set forth in § 230-22D(3) above, and the Village Board,

before approving an application for such a special permit, shall consider, in addition to the requirements and objectives set forth in Article X of this chapter, the following:

(a) Compatibility of the proposed use(s) with the use(s) of adjacent buildings and property.

(b) Absence or prevalence of similar uses within the vicinity of the site and within the Village.

(c) Off-street parking demands of the proposed use(s).

(d) The public access aspects of the project in relation to the requirements of § 230-22J of this chapter.

(e) Any other factors that may be deemed significant by either board in relation to the proposed use(s) and any neighboring use(s).

E. Accessory uses. No accessory uses shall be permitted except for those which are deemed by the Planning Board during the site development plan review process to be customarily incidental to the permitted uses in § 230-22D(1) through (3) above and the following:

(1) Customary home occupations in accordance with the requirements of § 230-9A(10)(a) of this chapter.

(2) Professional offices or studios in accordance with the requirements of § 230-9A(10)(b) of this chapter.

(3) Retail sales of items incidental to the conduct of nonresidential uses approved on the final site development plan.

F. (Reserved)

G. Enclosure. All permitted uses and all storage and accessory uses thereto, other than off-street parking and recreational facilities and activities that by their nature are placed or conducted out of doors (or such other uses as are deemed by the Planning Board during the site development plan review process to be more appropriately conducted in nonenclosed facilities), shall be carried on in structures fully enclosed on all sides. The outdoor storage of boats on dry land may be permitted, provided that there is adequate screening as shown on the approved site development plan.

H. Landscaping. The entire tract shall be suitably landscaped, as shown on the approved site development plan. All landscaping shall be properly maintained throughout the life of the approved uses of the development, in accordance with the provisions of § 230-72 of this chapter.

I. Bulk, height and parking requirements. The respective minimum and maximum requirements and standards for all uses shall be as follows:

(1) Density.

(a) Market-rate dwelling units. The residential density shall not exceed a maximum of one dwelling unit for every 5,000 square feet of dry-land area.

(b) Affordable dwelling units. The Village Board of Trustees may permit additional dwelling units not to exceed 5% of the number calculated in accordance with the provisions of Subsection I(1)(a) immediately above, if the additional dwelling units are deemed by the Board of Trustees to be affordable units. The affordable dwelling units shall be integrated among the market-rate units in the project.

(2) Building height. The maximum building height shall be three stories and 37 feet, except that no building within 75 feet of the mean high-water line of the shoreline shall exceed two stories and 25 feet.

(3) Building length. The maximum horizontal dimension of any building or structure shall not exceed 250 feet.

(4) Building spacing. The distance between any two buildings shall not be less than 40 feet, except that unenclosed decks of reasonable depths, as determined by the Planning Board during site development plan review, may extend into the forty-foot-wide separation area.

(5) Open space. At least 20% of the tract of land shall constitute "open space," as such term is defined by this chapter.

(6) Habitable floor area. The minimum habitable floor area per dwelling unit shall be 750 square feet, except for affordable dwelling units, in which case the minimum habitable floor area per dwelling unit shall be 600 square feet. (Note: The exact amount of floor area is to be determined in concert with the Village's Affordable Housing Committee.)

(7) Building coverage. The footprints of the buildings in the project shall not exceed 30% of the total dry-land area of the tract.

(8) Floor area ratio. The floor area ratio of the proposed use shall not exceed 0.50 of the dry-land area of the tract.

(9) Marina size.

(a) The length of a marina in the project shall not exceed 60% of the site's shoreline.

(b) The maximum plan depth of a marina shall be the lesser of 12% of the site's shoreline or 300 feet.

(10) Off-street parking spaces. The minimum number of off-street parking spaces included in the project shall be:

(a) Per dwelling unit: 2.0 spaces, plus a number of reserved guest spaces to be determined by the Planning Board during the site development plan review process; plus

(b) Per employee: 1.0 space; plus

(c) Per marina slip or mooring: 0.5 space; plus

(d) For all other uses: spaces in accordance with the provisions of this chapter.

(11) Setbacks. No structure, other than for a special permit use listed in § 230-22D(3) above, shall be permitted within 25 feet of the mean high-water line of the shoreline and no structure, regardless of use, shall be permitted within 20 feet of a street line or lot line, except as specifically permitted by the Planning Board during the site development plan review process, based on a demonstration by the applicant that the reduced setback will be sufficient to adequately separate adjacent land uses.

J. Public access.

(1) Right-of-way or easement. In order to foster the purposes of this article, in order to implement the policies expressed in the documents listed in § 230-22A above and in order to increase public pedestrian access to and the potential for enjoyment of the Hudson River waterfront, the site development plan shall show a dry-land right-of-way or easement for the enjoyment of the public, which easement shall be not less than 20 feet in width traversing the entire length of the site unless configured otherwise by the Planning Board during the site development plan review process. To the maximum extent practicable, said right-of-way or easement shall be integrated so as to create linkages with existing and anticipated public pedestrian and bicycle trail systems on adjacent lands.

(2) Public recreational and/or cultural facilities. Ten percent of the total dry-land area of the site shall be developed as suitable public recreational and/or cultural facilities, identical or similar to those set forth in § 230-22D(1) and D(3)(h) of this chapter. In determining adherence to this requirement, land used for public trails and walkways [excluding residential sidewalks but including the right-of-way or easement required by § 230-22J(1) immediately above], bike paths and boat-launching facilities shall be included. In meeting this requirement, a minimum of 0.5 acre shall be in the form of public recreational and/or cultural facilities identical or similar to those set forth in § 230-22D(1) and D(3)(h), excluding associated parking spaces.

(3) Meanings of "public." For the purposes of § 230-22J(1) and J(2) immediately above, the usage of and access to the respective public facilities shall be as determined by the Village Board of Trustees, on a case-by-case basis, during the designation of a tract of land as a Waterfront Development District; said facilities may be open to the general public or restricted to Village residents as deemed appropriate by the Village Board. In any event,

usage of and access to such facilities shall either be at no cost or will require no more than a nominal fee. If deemed appropriate by the Planning Board during the site development plan review process, the common and private recreational facilities specified in § 230-22J(4) below may be allowed to fulfill part of the 10% set aside for public recreational and/or cultural facilities required in § 230-22J(2) above.

(4) Other common and private recreational facilities. Residential developments may also have other permitted recreational facilities which are common and private to the development and which may also be available to adjoining development.

K. Procedures for district designation and site development plan approval.

(1) Designation. A Waterfront Development District shall be designated by the Village Board of Trustees as an amendment to the Zoning Map on the initiative of the Board of Trustees or on petition of the owner of the tract of land for which a Waterfront Development District designation is sought.

(2) Petition procedure. If the Waterfront Development District designation is based upon a petition from the owner of the tract of land, a petition for the Waterfront Development District 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 associated with this article. Such petition shall be supported by a site development plan containing the information required by Article XI of this chapter and such regulations as the Village has adopted, or may adopt in the future, under such article. The submission shall also include the following documentation:

(a) Evidence of how the proposed use(s) would meet the needs of the residents of the project as well as general community needs.

(b) Evidence that the proposal is generally compatible with the goals of the Village's Master Plan, its Local Waterfront (c) Revitalization Program, its Greenway Vision Plan and the purposes of this article.

(c) If the development is to be phased, a general indication of how the phasing is to proceed. Whether or not the development is to be phased, the site development plan shall show the total project.

(3) Referral to Planning Board and designation decision. The proposed designation of a Waterfront Development District by the Village Board of Trustees or the petition for a Waterfront Development District designation by the owner of the tract of land and all supporting submissions shall be referred by the Village Board of Trustees to the Planning Board. A recommendation shall be made by the Planning Board to the Board of Trustees pursuant to and within the term provided by Article XVI of this chapter. Subsequent to the receipt of the recommendation of the Planning Board, or subsequent to the expiration of the above-mentioned term without the recommendation of the Planning Board, and after public hearing as provided by Article XVI of this chapter and the conclusion of the state

environmental quality review process, the Village Board of Trustees shall act upon the petition.

(4) Designation conditions. A Waterfront Development District designation may be contingent upon terms and conditions pertaining to, but not limited to, mix of land uses, visual and acoustical screening, the sequence of construction and/or occupancy, systems for vehicular and pedestrian circulation, availability of sites for necessary public services, protection of natural resources and other such conditions that may be required for the public health, safety and general welfare and for the comfort and convenience of the public in general and the residents and landowners of the project and the immediate neighborhood in particular.

(5) Site development plan. Prior to development in a Waterfront Development District, the owner of the tract of land or his designee shall submit to the Planning Board a site development plan. The Planning Board shall be bound by the terms and conditions of the Village Board of Trustees' amendment to the Village Zoning Map designating the tract of land as a Waterfront Development District.

(a) Access. The site development plan submission shall include a detailed plan for the applicant's construction (and maintenance, if dedication to the Village would not ensue) of vehicular and pedestrian access to the site, if such access is not already provided adequately by Village-maintained streets and roads.

(b) Site development plan approval.

[1] Site development plan approval shall be conditioned upon the development being designed to adequately preserve an open character with respect to principal views of the Hudson River from residential areas of the Village as well as principal views from the Hudson River to residential areas of the Village, through the appropriate placement, spacing, height and bulk of buildings and structures.

[2] The Planning Board shall not approve any site development plan covering less than the entirety of the tract of land designated as a Waterfront Development District.

(c) Lapse of approval of site development plan. If no construction has begun or if no use has been established in the project within one year from the date of the adoption of the Planning Board's resolution of site development plan approval (final site development plan approval in the case of a two-phase process), said approval shall lapse and be of no further effect. If construction has begun or if the use has been established within said one-year period, but if the development has not been completed within three years of said approval, then said approval shall, except as provided in § 230-22K(5)(d) of this chapter relating to the phasing of development, lapse and be of no further effect in relation to the uncompleted part of the development. The Planning Board may, in its discretion, extend said three-year completion period, upon application prior to its expiration, if such extension is warranted by the particular circumstances of the development.

(d) Phasing of development. The Village Board of Trustees in its amendment to the Village Zoning Map designating a Waterfront Development District based upon a petition by a landowner, or the Planning Board in its approval of the site development plan, 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 a lapse of the Planning Board's approval under § 230-22K(5)(c) above shall be stipulated by the Board of Trustees or Planning Board for each phase of development. The public recreational and/or cultural facilities required by § 230-22J(2) of this chapter and any other recreational and/or cultural facilities shall not constitute the final phases of the project.

(e) Guarantee of performance. The Planning Board shall, as a condition of site development plan approval, require a performance guarantee with terms satisfactory to said Board, for the purpose of guaranteeing performance by the applicant with respect to improvements and infrastructure to be offered in dedication to the Village, erosion and sedimentation control measures and potential site restoration measures regarding the approved site development plan.

(f) Amendment of the site development plan. Any application for amendment of an approved site development plan shall be processed by the Planning Board in the same manner as an original site development plan application, except to the extent that the required information is contained on the approved site development plan. In acting upon an application for such amendment, the Planning Board shall be bound by the terms and conditions of the Village Board of Trustees' amendment to the Village Zoning Map designating the tract as a Waterfront Development District.

(6) Amendment of Waterfront Development District designation. The Village Board of Trustees may amend the designation of a tract of land as a Waterfront Development District as an amendment to the Village Zoning Map, in accordance with the procedures set forth in Article XVI of this chapter. Upon such amendment, all uses, bulk and parking regulations, and other provisions and conditions affecting the development of such tract of land, shall be those of the new zoning district designation of said tract.