

LOCAL LAW ____ OF 2012

**ENACTING REGULATIONS FOR THE NEWLY
MAPPED WATERFRONT (WF) DISTRICT**

Be it enacted by the Board of Trustees of the Village of Irvington as follows:

- Section 1: Article X of the Zoning Code of the Village of Irvington, New York is hereby amended by deleting the regulations for the Industrial District (I), sections 224-39 through 224-44, and replacing them with the attached new regulations for the Waterfront District (WF), sections 224-39 through 224-43.
- Section 2: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.
- Section 3: This local law shall take effect upon filing with the Secretary of State.

ARTICLE X
Waterfront District (WF)
(1-4-12)

§ 224-39. Use regulations.

- A. Permitted principal uses. No building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:
- (1) Retail stores not exceeding 5,000 square feet of floor area per individual store.
 - (2) Banks.
 - (3) Personal service stores, such as but not limited to barbershops, beauty parlors and tailors.
 - (4) Hotels.
 - (5) Service establishments furnishing services other than of a personal service nature, but not including automobile service.
 - (6) Business, administrative or professional offices.
 - (7) Theaters and restaurants.
 - (8) Fitness clubs.
 - (9) Indoor recreation facilities.
 - (10) Outlets and pickup stations for laundries and cleaning establishments, excluding on site washing or cleaning of wearing apparel or household effects.
 - (11) Nursery schools, adult and child day care centers.
 - (12) Instruction schools for boating, sailing, and other water sports.
 - (13) Dance, music and fitness studios, in either classes or individual instruction format.
 - (14) Art dealers.
 - (15) Museums.

- (16) Boat or yacht clubs and other water recreation facilities.
- (17) Marina facilities, including water taxis.
- (18) Farmers' market.
- (19) Public utility installations needed to serve the Village or the neighborhood, subject to a determination by the Board of Appeals that no other reasonable location in a less restricted district can be used for the purpose contemplated and subject, further, to such conditions as said Board may deem to be appropriate for the protection of adjoining uses and of the character of the district. Wireless telecommunication services facilities shall also be subject to Article XXI of Chapter 224, Zoning, of the Village Code.

B. Special permit uses. The Village Board of Trustees may permit any of the following uses upon the grant of a Special Permit by the Board of Trustees in accordance with the procedures specified in § 224-8F of this chapter, provided that the use meets all other requirements of this Article.

- (1) Dwelling units, including dwelling units above the first floor over uses permitted under subsection B of this section, provided that the following additional requirements are also met:

- (a) All habitable space within such dwelling units shall be located only above the one hundred-year floodplain.

- (b) The gross floor area of all dwelling units shall not exceed 10% of the total gross floor area of all buildings and structures within the Waterfront District, except that the Board of Trustees, in its sole discretion:

- [1] may permit additional floor area for dwelling units, but not more than an additional 5%, if at least 50% of the additional floor area is for dwelling units meeting the Westchester County requirements for affordable housing; and

- [2] may permit additional floor area for dwelling units, but not more than an additional 10%, if the applicant dedicates an easement to the Village for public access to the waterfront, which easement shall be not less than nine feet in width running along the entire length of the bulkhead of the parcel on which the dwelling units are proposed to be located.

- (c) A traffic impact study and parking analysis must demonstrate that potential traffic generation shall be within the reasonable capacity of the existing or planned road(s) or street(s) providing access, that traffic circulation and exit and entrance drives are laid out to minimize traffic hazards and nuisances, and that parking and loading demand for existing and proposed uses can reasonably be handled within the site.
- (2) Retail stores greater than 5,000 square feet of floor area, provided that the following additional requirements are also met:
- (a) The proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the Waterfront District and will not be detrimental to the orderly development of adjacent properties.
 - (b) A traffic impact study and parking analysis must demonstrate that potential traffic generation shall be within the reasonable capacity of the existing or planned road(s) or street(s) providing access, that traffic circulation and exit and entrance drives are laid out to minimize traffic hazards and nuisances, and that parking and loading demand for existing and proposed uses can reasonably be handled within the site.
- (3) Research, design, and development facilities, provided that the following additional requirements are also met:
- (a) All activities shall be carried on within fully enclosed buildings.
 - (b) None of the following shall be permitted:
 - [1] Chemical plants.
 - [2] Motor-testing laboratories.
 - [3] Facilities using explosives.
 - (c) No offensive noises, gases, fumes, odors, vibrations, or radio, electric or electronic emanations, or other objectionable influences or hazards shall emanate from such use, and no waste products shall be discharged therefrom of a character to create a nuisance or hazard to public health and safety.
 - (d) No radioactive materials shall be kept or used on the premises.

- (e) The proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the Waterfront District and will not be detrimental to the orderly development of adjacent properties.
- (f) A traffic impact study and parking analysis must demonstrate that potential traffic generation shall be within the reasonable capacity of the existing or planned road(s) or street(s) providing access, that traffic circulation and exit and entrance drives are laid out to minimize traffic hazards and nuisances, and that parking and loading demand for existing and proposed uses can reasonably be handled within the site.

C. Accessory uses. Only the following accessory uses shall be permitted:

- (1) Accessory buildings and accessory uses customarily incidental to a permitted use.
- (2) Signs, awnings and canopies accessory to a permitted use, provided that they comply with the conditions and procedures in Article IX, Business District.

D. Existing uses. Businesses not included in subsections A through C of this section but existing lawfully on [*insert day before law is enacted*] may continue as if they were a permitted principal use provided that the use is not noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes, vibration or radiation and does not present a hazard to public health, safety or welfare. Such business shall not be reestablished if it has been discontinued for any reason for a period of over 90 days or has changed to or been replaced by a use permitted in the WF District. Intent to resume such business shall not confer the right to do so.

E. The following uses shall be prohibited regardless of their inclusion as a permitted use in this section:

- (1) Any use that is noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes, vibration or radiation or that presents a hazard to public health, safety or welfare.
- (2) The use of premises for the operation of any fast-food establishment or any restaurant or food service business providing curb or drive-through service.

§ 224-40. Coverage.

No building shall be erected or enlarged in which the aggregate floor area, exclusive of cellar and basement areas used only for storage or for the operation and maintenance of the building, shall exceed 1.4 times the area of the lot. The sum of all areas covered by all principal and accessory buildings shall not exceed 70% of the area of the lot.

§ 224-41. Yard requirements; perimeter buffers.

- A. Yards. Except as provided in this section, no yards are required, but, if provided, any yard shall be at least four feet wide.
- B. Perimeter buffers.
 - (1) Except for buildings existing on [*date of enactment of amendment*], within the first 28 feet on the west side of the site, measured from the bulkhead, no structures will be allowed. This area must be maintained as an open, landscaped area.
 - (2) In areas where there is no bulkhead, no structures, except those intended exclusively for the storage of water craft, paddles, and/or floatation devices, shall be permitted within the first 28 feet of the mean high water line of the Hudson River.
 - (3) Within the first 15 feet south of the bulkhead on the north side of the site, no structures will be allowed. This area must be maintained as an open, landscaped area.
 - (4) Within the first 28 feet north of Scenic Hudson Park, no structures will be allowed.
 - (5) Notwithstanding paragraphs (1), (2), (3) and (4), raised structures necessary for the planting of trees may be permitted in a required buffer.
 - (6) Notwithstanding paragraphs (1), (2), (3) and (4), parking spaces provided in compliance with the Parking Agreement and Declaration of Easement executed by Bridge Street Properties, LLC on October 12, 2005 are permitted in a required buffer.

§ 224-42. Height of buildings. No part of any building or structure shall be erected to a height greater than three stories and basement at any point along the periphery of such building, nor shall such height exceed 35 feet.

§ 224-43. Off-street parking.

The Planning Board in the course of site development plan approval shall determine the number of off-street parking spaces required for the proposed use on the basis of a study of anticipated parking demand.