

features during and after construction, and specific access, layout or other design features intended to foster the conservation criteria, intent and objectives of this section.

- (4) Upon rezoning any parcel to a Conservation District, said district shall continue in full force and effect in perpetuity or until the Town Board takes action to remove the Conservation District Zone in accordance with § 285-64 of the Town Code.
- (5) Subsequent to or in conjunction with a rezoning to a Conservation District, the applicant shall be responsible for obtaining any and all necessary site plan, subdivision, special permits and/or variances required for development per the Greenburgh Town Code.

§ 285-10. R-40 One-Family Residence District.

A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:

- (1) Principal uses.
 - (a) One-family detached dwellings not to exceed one dwelling per lot.
 - (b) Public parks, playgrounds or similar recreational areas, owned or operated by a governmental authority. No building or area designed for recreation shall be located nearer than 100 feet to any street line or lot line.
 - (c) Firehouses, police stations or other public safety uses owned or operated by the Town of Greenburgh, Westchester County, or by any other governmental authority. No building shall be located nearer than 100 feet to any street line or lot line.
 - (d) Other municipal buildings or uses operated by the Town of Greenburgh. No building shall be located nearer than 40 feet to any street line. No building shall be located nearer than 100 feet to any lot line of adjacent property on which adjacent property there is an existing dwelling unit of any kind. No building shall be located nearer than 100 feet to any lot line of adjacent vacant property if such adjacent vacant property is located within a residential district as defined in this chapter. No building or structure shall be erected without adequate landscaping and screening being installed to the satisfaction of the Town Board. **[Amended 5-14-1991 by L.L. No. 20-1991]**
 - (e) Places of religious worship, including part-time religious schools and parish houses, convents, monasteries, rectories or parsonages, in each case subject to the following:
 - [1] The minimum lot area shall be two acres.
 - [2] No building shall be nearer than 100 feet to any street line or lot line.
 - (f) Regularly organized elementary or secondary schools having a curriculum approved by the Board of Regents of the State of New York, subject to the following;

- [1] The minimum lot size shall be five acres.
 - [2] No building shall be nearer than 100 feet to any street line or lot line.
 - [3] Sleep-in or boarding facilities shall not be permitted, except as provided for in § 285-10A(2)(d) of this chapter.
- (g) Existing railroad-related uses.
- (2) Special permit uses.
- (a) Private clubs or social clubs operated by nonprofit membership corporations exclusively for members and their guests, including ice-skating, tennis, swimming and similar facilities, subject to the following:
 - [1] The minimum lot size shall be five acres.
 - [2] No building and no area designated for recreation shall be located nearer than 200 feet to any street or lot line, except that, where the adjacent properties have not been substantially developed for residential purposes and are not reasonably susceptible to future residential development, courts for tennis, badminton, lawn bowling and similar recreational uses, which are unilluminated and designed for daylight use only and have no facilities for spectators, may be located less than 200 feet from any lot line or street line, but in no event less than 25 feet therefrom. **[Amended 7-8-1987 by L.L. No. 3-1987]**
 - [3] The State and County Departments of Health shall certify that said clubs are in compliance with all respective codes and regulations for which they have jurisdiction.
 - (b) (Reserved)²
 - (c) (Reserved)³
 - (d) Private, religious or sectarian schools accredited by the New York State Board of Regents, providing sleeping quarters, subject to the following:
 - [1] Minimum lot area shall be 25 acres.
 - [2] It shall accommodate not more than 300 students on a plot of 25 acres and not more than 10 additional students per acre in excess of 25 acres.
 - [3] If exempt from real estate taxes, it shall not provide sleeping quarters for more than one resident family in addition to boarding students, resident teachers and maintenance employees.
 - [4] No building or recreation area in connection with such private school shall be

2. Editor's Note: Former Subsection A(2)(b), regarding convalescent homes, rest homes, nursing homes and homes for the aged, was repealed 10-14-1992 by L.L. No. 6-1992.

3. Editor's Note: Former Subsection A(2)(c), regarding hospitals, was repealed 10-14-1992 by L.L. No. 6-1992.

within 200 feet of any lot line or street line.

(e) Privately operated nursery schools, licensed or authorized by the Department of Education of the State of New York, subject to the following:

[1] The minimum lot size shall be two acres.

[2] An appropriately enclosed outdoor play area shall be provided, but said play area shall not be located nearer than 75 feet to any street line or lot line.

(f) (Reserved)⁴

(g) Roomers and boarders, provided that the following criteria are met: **[Amended 1-22-1986]**

[1] Roomers and boarders shall only be permitted in owner-occupied detached single-family dwellings.

[2] Not more than two roomers and/or boarders shall be permitted per dwelling unit.

[3] The resultant density for the entirety of any dwelling unit containing roomers and/or boarders shall not exceed two persons per separate bedroom.

[4] The rented quarters provided for roomers and/or boarders shall not be provided with separate cooking facilities, including but not limited to stoves, ovens and refrigerators.

[5] The rented quarters provided for roomers and/or boarders shall not be advertised on the premises.

[6] An off-street parking space shall be provided for each roomer and/or boarder in addition to the parking spaces otherwise required pursuant to this chapter.

[7] In the performance of his duties, the Building Inspector and his duly authorized representatives shall have the right, during daylight hours, to enter and inspect any building, structure and land for which a special permit has been issued. Unreasonable refusal of a property owner or resident to allow the Building Inspector to enter to make an inspection shall be grounds for revocation of the special permit by the Zoning Board of Appeals, after written notice is mailed to the special permit holder by registered or certified mail and a hearing is held.

[8] In addition to the normal inspections made from time to time by the Building Inspector, the Building Inspector shall make a physical inspection of the premises at least once every three years while the special permit is in effect to ensure compliance with the special permit requirements and any special conditions set by the Zoning Board of Appeals. The Building Inspector shall

4. Editor's Note: Former § 285-10A(2)(f), regarding day-care centers, was repealed 10-8-1997 by L.L. No. 10-1997. See now § 280-10A(4)(e).

submit a written report to the Zoning Board of Appeals detailing the results of the inspection.

- [9] Failure to adhere to the requirements of the special permit, or any special conditions, shall result in the immediate expiration of the special permit.
- (h) Commercial riding establishments, including stables and other accessory uses, subject to the following:
- [1] The minimum lot size shall be 10 acres.
- [2] No building shall be nearer than 200 feet to any street or lot line.
- [3] A maximum of one horse per acre shall be kept in such establishment, excluding horses under the age of one year.
- [4] All animal feed shall be stored in rodentproof facilities.
- [5] No storage of manure or other odor- or dust-producing substance shall be permitted within 200 feet of a street, property line, watercourse or wetlands area.
- (i) Private seasonal camps, including swimming, tennis and other recreational facilities, subject to the following:
- [1] The minimum lot size shall be 15 acres.
- [2] No building and no area designated for recreation shall be located nearer than 200 feet from any street or lot line, except that, where the adjacent properties have not been substantially developed for residential purposes and are not reasonably susceptible to future residential development, courts for tennis, badminton, lawn bowling and similar recreational uses, which are unilluminated and designed for daylight use only and have no facilities for spectators, may be located less than 200 feet from any lot line or street line, but in no event less than 25 feet therefrom. **[Amended 7-8-1987 by L.L. No. 3-1987]**
- [3] The State and County Departments of Health shall certify that said camps are in compliance with all respective codes and regulations to which they have jurisdiction.
- (3) Accessory uses.
- (a) Off-street parking of passenger vehicles subject to conditions set forth in § 285-38 of this chapter. **[Amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
- (b) Off-street parking of not more than one recreational vehicle and one boat, excluding the parking of such vehicles in private garages, subject to conditions set forth in § 285-36 of this chapter.
- (c) Professional offices, subject to conditions set forth in § 285-36 of this chapter.

- (d) Customary home occupations, subject to conditions set forth in § 285-36 of this chapter.
 - (e) Private swimming pools and tennis courts, subject to the conditions set forth in § 285-36 of this chapter.
 - (f) Domestic gardens, including the raising of field, fruit and garden crops.
 - (g) On a lot in excess of 10,000 square feet, a noncommercial greenhouse for resident use only.
 - (h) On a lot containing a farm, the keeping of one horse or one cow per acre and a reasonable number of other farm animals, but excluding pigs and fowl. **[Amended 4-3-2018 by L.L. No. 2-2018]**
 - (i) The keeping of dogs and cats as household pets, provided that the total number of such pets above the age of six months shall not exceed three.
 - (j) Private garages containing space for not more than one motor vehicle for each 5,000 square feet of lot area, except that garage space for two such motor vehicles shall be permitted on any lot. Farms under cultivation shall not contain more than one commercial motor vehicle belonging to the owner or lessee of such farm and shall be kept in a fully enclosed structure. Such accessory private garage may be within, under, directly connected to or separated from the principal building to which it is accessory and shall be located in a required front yard.
 - (k) Signs, subject to the applicable provisions of the Sign and Illumination Law of the Town of Greenburgh.⁵
 - (l) Other accessory buildings or structures, such as playhouses, cabanas, trash containers, doghouses and outdoor fireplaces, provided that said uses are incidental to the principal uses, and further provided that said uses shall not include any activity conducted as a business or residence. All accessory buildings shall be maintained in good condition and shall be roofed and sided with conventional wood, metal, vinyl or other composite materials. **[Amended 12-20-1994 by L.L. No. 12-1994]**
 - (m) Antennas, subject to the conditions set forth in § 285-37 of this chapter. **[Added 11-14-1984 ; amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
 - (n) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
- (4) Uses under special permit by Town Board.
- (a) Agency group homes. In accordance with the purposes of this chapter as set forth in Article I hereof and in furtherance of the policy of the State of New York to deinstitutionalize those persons who cannot be cared for in their natural homes by

5. Editor's Note: See Ch. 240, Sign and Illumination Law.

placing them in small, dispersed group homes which are designed to give an outwardly similar appearance to other one-family dwellings, the following regulations shall apply:

- [1] Said home shall be operated or sponsored by a public social service agency or nonprofit agency authorized by the New York State Department of Social Services.
- [2] Said home shall have a maximum occupancy of 14 persons, excluding full-time sleep-in householder(s).
- [3] Said home shall be set up in size, appearance and structure to bear the general character of a family unit in a relatively permanent household. As such it shall not permit transients or transient living, nor shall it be established in an institutional-type arrangement.
- [4] For purposes of furthering the state's dispersal and deinstitutionalization policy, to prevent the undue concentration of agency group homes in any one area, and to preserve the social as well as the physical character of one-family residential neighborhoods, no agency group home shall be established if any portion of the lot in which said facility is situated is within 2,000 feet of any portion of any other lot on which another group home is situated.
- [5] Said home shall conform to and shall be maintained in accordance with the overall character and appearance of the surrounding neighborhood. No sign that advertises the use or occupancy of said home shall be erected.
- [6] Said home shall be provided with an outdoor recreation area suitably enclosed with a fence or hedge. Said area shall be a minimum of 50 square feet per each occupant of the group home and shall not be located nearer than 75 feet to any lot line or street line.
- [7] Any applicant for a special permit for an agency group home shall submit the following information to the Town Board:
 - [a] The governmental authorization to operate said facility.
 - [b] A complete statement of the proposed number, age and permanency of residence of the persons to be cared for and the number and qualifications of both resident and nonresident adult supervisory personnel.
 - [c] A vicinity map indicating the location of the proposed facility in relation to other existing agency group homes or other similar types of care facilities within a radius of one mile of the subject site.
- [8] The procedure for the granting of a special permit by the Town Board shall follow § 285-25A(4)(h).
- [9] Any change in the nature, size or type of the operation of any approved group home shall be subject to a complete new application for a special permit in

accordance with the same standards and procedures as required for the original application.

[10] In the performance of his duties, the Building Inspector and his duly authorized representatives shall have the right, during daylight hours, to enter and inspect any building, structure and land for which a special permit has been issued. Unreasonable refusal of a property owner or resident to allow the Building Inspector to enter to make an inspection shall be grounds for revocation of the special permit by the Town Board, after written notice is mailed to the special permit holder by registered or certified mail and a hearing is held. **[Added 10-14-1992 by L.L. No. 6-1992]**

[11] In addition to the normal inspections made from time to time by the Building Inspector, the Building Inspector shall make a physical inspection of the premises at least once every three years while the special permit is in effect to ensure compliance with the special permit requirements and any special conditions set by the Town Board. The Building Inspector shall submit a written report to the Town Board detailing the results of the inspection. **[Added 10-14-1992 by L.L. No. 6-1992]**

[12] Failure to adhere to the requirements of the special permit or any special conditions shall result in the immediate revocation of the special permit. **[Added 10-14-1992 by L.L. No. 6-1992]**

- (b) Public utility structures and utility rights-of-way, when said facilities are needed to serve the Town or the immediate neighborhood, subject to a determination by the Town Board that no other reasonable location in this district or in a less restrictive district can be utilized for the proposed facility and further subject to such conditions as the Town Board may deem appropriate for the protection of adjoining uses and of the character of the given district. Utility business offices, garages or storage yards, electric substations, Battery Energy Storage Systems, solar farms, and wind farms are excluded from the provisions of this section. Antennas which comply with the conditions set forth in § 285- 37 of this chapter shall be permitted pursuant to the provisions of that section. **[Amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997 ; 8-11-2021 by L.L. No. 5-2021]**
- (c) Convalescent homes, rest homes, nursing homes or homes for the aged approved, licensed or authorized by the Department of Health of the State of New York as residential health care facilities, subject to the following: **[Added 10-14-1992 by L.L. No. 6-1992]**

[1] The minimum lot size shall be 10 acres.

[2] The number of patient beds provided shall not exceed eight beds per acre.

[3] No building or parking area shall be located nearer than 200 feet to any street or lot line.

[4] The maximum height of all buildings shall not exceed two stories and shall not exceed 25 feet.

- [5] The maximum FAR shall not exceed 0.10.
- [6] The maximum coverage of principal buildings shall not exceed 10%.
- [7] The maximum coverage of accessory buildings shall not exceed 1%.
- [8] The maximum coverage of impervious surfaces shall not exceed 20%.
- [9] The maximum length of any building shall not exceed 300 feet.
- [10] A minimum distance of 50 feet shall be provided between all buildings, except that one-story enclosed hallways at grade or below ground may be permitted to connect buildings.
- [11] If independent living facilities are provided on the same lot or on an adjoining lot in conjunction with a residential health care facility, the number of dwelling units permitted as independent living facilities shall be twice the amount otherwise permitted, except that the gross floor area of each individual dwelling unit shall not exceed 1,000 square feet. The buffer area of a planned unit development containing independent living facilities may extend around an adjacent residential health care facility rather than between the independent living facility lot and the residential health care facility lot, so as to provide for a combined PUD/residential health care facility buffer. The density calculation to determine eligibility for a planned unit development shall include the additional dwelling units obtained pursuant to this subsection. **[Amended 9-8-1994 by L.L. No. 7-1994]**
- [12] The minimum distance between a proposed facility subject to this section and lawfully existing or approved facilities subject to this section, assisted living facilities, continuum of care facilities, and continuing care retirement communities shall be 4,000 linear feet, measured from the property line of the existing or approved facility to the property line of the proposed facility. **[Added 10-14-2020 by L.L. No. 7-2020]**
- [13] Set- aside affordability information, regarding a percentage of the convalescent homes, rest homes, nursing homes or homes for the aged beds must be provided in connection with any new application, for Town Board consideration of adequacy. **[Added 10-14-2020 by L.L. No. 7-2020]**
- [14] Information regarding lift policies, emergency municipal EMS transport-only policies, and other similar policies designed to not place an undue burden on applicable emergency providers (Police and Fire), must be provided in connection with the application, for Town Board consideration of adequacy. The presence of at least one twenty-four-hour, seven-day-a-week licensed practitioner nurse and/or registered nurse is required. **[Added 10-14-2020 by L.L. No. 7-2020]**
- [15] The property must be on a state roadway, other than parkways and interstate highways, with at least 100 feet of frontage thereon. The required street frontage provision established herein and in § 285-39C(9) may be waived by

the Town Board when it can be demonstrated that a shared driveway for multiple uses on the state roadway will provide safe and efficient access, subject to approval by the New York State Department of Transportation, and required local land-use approvals, as applicable. Secondary emergency vehicular access must be provided, as approved by the New York State Department of Transportation. **[Added 10-14-2020 by L.L. No. 7-2020]**

[16] Any such special permit issued hereunder shall be subject to conditions that, in the exercise of the Town Board's reasonable discretion, relate to a) preserving and protecting community character; and b) preserving and protecting the environment. **[Added 10-14-2020 by L.L. No. 7-2020]**

(d) Hospitals authorized by the Department of Health of the State of New York, excluding hospitals with facilities for correctional purposes, subject to the following: **[Added 10-14-1992 by L.L. No. 6-1992]**

[1] The minimum lot size shall be 10 acres.

[2] No building or parking area shall be located nearer than 200 feet to any street or lot line.

[3] The number of patient beds provided shall not exceed four beds per acre.

[4] The maximum height of all buildings shall not exceed two stories and shall not exceed 25 feet.

[5] The maximum FAR shall not exceed 0.07.

[6] The maximum coverage of principal buildings shall not exceed 7%.

[7] The maximum coverage of accessory buildings shall not exceed 1%.

[8] The maximum coverage of impervious surfaces shall not exceed 20%.

[9] The maximum length of all buildings shall not exceed 300 feet per building.

[10] A minimum distance of 50 feet shall be provided between all buildings.

(e) Day-care centers, subject to the following: **[Added 10-8-1997 by L.L. No. 10-1997]**

[1] The minimum lot size shall be two acres.

[2] An appropriately enclosed outdoor activity area shall be provided, which area shall not be located nearer than 75 feet to any street or lot line.

(f) Assisted living facilities, after review and recommendation by the Planning Board, by special permit granted from the Town Board, subject to the following: **[Added 2-13-2013 by L.L. No. 1-2013]**

[1] The minimum lot size shall be four acres. The acreage of the assisted living facility must have been under common ownership at the effective date of

Local Law No. 7-2020.⁶ [Amended 10-14-2020 by L.L. No. 7-2020]

- [2] The number of beds provided shall not exceed 25 beds per acre.
- [3] No building shall be located less than 100 feet from any street or lot line. Where topography and landscaping or other site conditions provide adequate screening, the Town Board may reduce this setback requirement no closer than 50 feet.
- [4] The maximum height of all buildings shall not exceed three stories and shall not exceed 40 feet. Where topography and landscaping or other site conditions provide adequate screening, the Town Board may increase the maximum height to four stories, not exceeding 50 feet.
- [5] No parking area shall be located less than 50 feet from any street or lot line. Where topography and landscaping or other site conditions provide adequate screening, the Town Board may reduce this setback requirement no closer than the corresponding setback of the underlying zoning district.
- [6] The lot width will be determined by the underlying zoning district.
- [7] The maximum FAR shall not exceed 0.4.
- [8] The maximum coverage of principal buildings shall not exceed 12%.
- [9] The maximum coverage of accessory buildings shall not exceed 3%.
- [10] The maximum coverage of impervious surfaces shall not exceed 40%.
- [11] The maximum length of any building shall not exceed 300 feet.
- [12] One loading berth per facility. [Amended 10-14-2020 by L.L. No. 7-2020]
- [13] One-half off-street parking space must be provided for each unit.
- [14] The property must be on a state roadway, other than parkways and interstate highways, with at least 100 feet of frontage thereon. The required street frontage provision established herein and in § 285-39C(9) may be waived by the Town Board when it can be demonstrated that a shared driveway for multiple uses on the state roadway will provide safe and efficient access, subject to approval by the New York State Department of Transportation, and required local land-use approvals, as applicable. Secondary emergency vehicular access shall be provided, subject to approval by the New York State Department of Transportation. [Amended 10-14-2020 by L.L. No. 7-2020]
- [15] The applicant shall demonstrate that such facility shall not have an adverse impact upon the Town.
- [16] The minimum distance between a proposed facility subject to this section and lawfully existing or approved facilities subject to this section, convalescent

6. Editor's Note: Section 8 of this local law states that it is effective upon filing with the Secretary of State.

homes, rest homes, nursing homes or homes for the aged, continuing care retirement communities, and continuum of care facilities shall be 4,000 linear feet, measured from the property line of the existing or approved facility to the property line of the proposed facility. **[Added 10-14-2020 by L.L. No. 7-2020]**

- [17] Set-aside affordability information, regarding a percentage of the assisted living facility beds must be provided in connection with any new application, for Town Board consideration of adequacy. **[Added 10-14-2020 by L.L. No. 7-2020]**
- [18] Information regarding lift policies, emergency municipal EMS transport-only policies, and other similar policies designed to not place an undue burden to applicable emergency providers (Police and Fire), must be provided in connection with the application, for Town Board consideration of adequacy. The presence of at least one twenty-four-hour, seven-day-a-week licensed practitioner nurse and/or registered nurse policies is required **[Added 10-14-2020 by L.L. No. 7-2020]**
- [19] Section 285-10A(4)(f)[14] shall not apply to assisted living facilities lawfully existing or approved prior to the effective date of Local Law No. 7-2020. **[Added 10-14-2020 by L.L. No. 7-2020]**
- [20] Any such special permit issued hereunder shall be subject to conditions that, in the exercise of the Town Board's reasonable discretion, relate to a) preserving and protecting community character; and b) preserving and protecting the environment. **[Added 10-14-2020 by L.L. No. 7-2020]**
- (g) Continuing Care Retirement Communities, subject to the following: **[Added 12-21-1999 by L.L. No. 7-2015]**
- [1] The minimum lot size shall be 10 acres.
- [2] The number of Independent Living Units and Assisted Living Units combined shall not exceed three times the number of units resulting from dividing the lot area by the minimum lot size for the underlying zoning of the parcel. The units shall be a mix of one- and two-bedroom units and can be located in any combination of separate buildings or combined with the common areas into a single structure.
- [3] Ancillary skilled nursing beds at a density of no more than one bed per four independent housing units may be permitted as an accessory use where permitted pursuant to the Certificate of Authority. Such skilled nursing beds shall be in addition to any which may be a part of a related residential health-care facility.
- [4] No building or off-street parking area shall be located nearer than 75 feet to any street or lot line, except where adjacent to a lot containing a residential health-care facility (nursing home) in which case no building in the Continuing Care Retirement Community shall be located nearer than 25 feet

to such lot line.

- [5] The maximum height of all buildings shall not exceed 2 1/2 stories and 35 feet.
- [6] The maximum coverage of principal buildings shall not exceed 15%.
- [7] The maximum coverage of accessory buildings shall not exceed 2.5%.
- [8] The maximum FAR shall not exceed 0.18.
- [9] The maximum coverage of impervious surfaces shall not exceed 25%.⁷
- [10] Permitted accessory uses, which may be located in the principal building or an accessory building, shall include those typically appurtenant to such facilities, including, but not limited to common dining, recreation, library and activity facilities, swimming pools, resident services such as beauty salons and convenience or gift shops primarily for the use of the residents and their guests, support services, and related senior health-care uses including Adult Day Health Care, and therapy and medical facilities.
- [11] The minimum distance between a proposed facility subject to this section and lawfully existing or approved facilities subject to this section, assisted living facilities, convalescent homes, rest homes, nursing homes or homes for the aged, continuing care retirement communities, and continuum of care facilities shall be 4,000 linear feet, measured from the property line of the existing or approved facility to the property line of the proposed facility. **[Added 10-14-2020 by L.L. No. 7-2020]**
- [12] Set-aside affordability information, regarding a percentage of the continuing care retirement community beds must be provided in connection with any new application, for Town Board consideration of adequacy. **[Added 10-14-2020 by L.L. No. 7-2020]**
- [13] Information regarding lift policies, emergency municipal EMS transport-only policies, and other similar policies designed to not place an undue burden on applicable emergency providers (Police and Fire), must be provided in connection with the application, for Town Board consideration of adequacy. The presence of at least one twenty-four-hour, seven-day-a-week licensed practitioner nurse and/or registered nurse is required. **[Added 10-14-2020 by L.L. No. 7-2020]**
- [14] The property must be on a state roadway, other than parkways and interstate highways, with at least 100 feet of frontage thereon. The required street frontage provision established herein and in § 285-39C(9) may be waived by the Town Board when it can be demonstrated that a shared driveway for multiple uses on the state roadway will provide safe and efficient access,

7. Editor's Note: Former Subsection A(4)(g)(10), requiring property to be located on a state or county roadway, which immediately followed this subsection, was repealed 10-14-2020 by L.L. No. 7-2020 . This local law also redesignated former Subsection A(4)(g)(11) as Subsection A(4)(g)(10).

subject to approval by the New York State Department of Transportation, and required local land-use approvals, as applicable. Secondary emergency vehicular access shall be provided, subject to approval by the New York State Department of Transportation. **[Added 10-14-2020 by L.L. No. 7-2020]**

[15] Any such special permit issued hereunder shall be subject to conditions that, in the exercise of the Town Board's reasonable discretion, relate to a) preserving and protecting community character; and b) preserving and protecting the environment. **[Added 10-14-2020 by L.L. No. 7-2020]**

(h) Continuum of care facility (CCF), after review and recommendation by the Planning Board, by special permit granted from the Town Board, subject to the following:

[1] The minimum lot size shall be eight acres. The Town Board may reduce the minimum lot size to five acres, where at least three additional acres of contiguous open space or recreation area exists and is subject to a conservation easement and restrictive covenant acceptable to the Town Board is recorded with the County Clerk - Office of Land Records. The location and type of contiguous open space or recreation area and the terms of the conservation easement and restrictive covenant shall be to the satisfaction of the Town Board. Up to three acres of contiguous open space or recreation area pursuant to a conservation easement may be utilized for bulk and dimensional standards of the CCF site, when the Town Board reduces the minimum lot size below eight acres. The acreage of a proposed CCF and the acreage of the contiguous open space or recreation area, if applicable, must have been under common ownership as of the effective date of L.L. No. 8-2020.

[2] The use must be located on a property at least 4,000 feet from any other property that is located within the Town of Greenburgh and lawfully exists, or is approved, as an assisted living facility, an independent living facility, a continuing care retirement community, nursing home or continuum of care facility, measured from the nearest property lines as shown on the official Tax Map of the Town of Greenburgh.

[3] The property must be on a state roadway, other than parkways and interstate highways, with at least 100 feet of frontage thereon. The required street frontage provision established herein and in § 285-39C(9) may be waived by the Town Board when it can be demonstrated that a shared driveway for multiple uses on the state roadway will provide safe and efficient access, subject to approval by the New York State Department of Transportation, and required local land-use approvals, as applicable. Secondary emergency vehicular access must be provided, as approved by the New York State Department of Transportation.

[4] The number of beds provided shall not exceed 25 beds per acre based on a minimum lot size of eight acres or, alternatively, based on a minimum lot size of five acres combined with at least three acres of contiguous open space or recreation area that is subject a conservation easement and restrictive

covenant as provided in Subsection A(4)(h)[1] above.

- [5] No building shall be located less than 50 feet from any street or lot line, or conservation easement boundary, as set forth in § 285-10A(4)(h)[1].
 - [6] The maximum height of all buildings shall not exceed three stories and shall not exceed 40 feet. Where topography and landscaping or other site conditions provide adequate screening, the Town Board may increase the maximum height to four stories, not exceeding 55 feet.
 - [7] No parking area shall be located less than 50 feet from any street or lot line. Where topography and landscaping or other site conditions provide adequate screening, the Town Board may reduce this setback requirement no closer than the corresponding setback of the underlying zoning district.
 - [8] The maximum FAR shall not exceed 0.5.
 - [9] The maximum coverage of principal buildings shall not exceed 16%.
 - [10] The maximum coverage of impervious surfaces shall not exceed 45%.
 - [11] One loading berth per facility.
 - [12] 0.5 off-street parking space must be provided for each unit.
 - [13] Set-aside affordability information, regarding a percentage of the assisted living facility and independent living units must be provided in connection with the application, for Town Board consideration of adequacy.
 - [14] Information regarding lift policies, emergency municipal EMS transport-only policies, and other similar policies designed to not place an undue burden on applicable emergency providers (Police and Fire), must be provided in connection with the application, for Town Board consideration of adequacy. The presence of at least one twenty-four-hour, seven-day-a-week licensed practitioner nurse and/or registered nurse is required.
 - [15] Any such special permit issued hereunder shall be subject to conditions that, in the exercise of the Town Board's reasonable discretion, relate to a) preserving and protecting community character; and b) preserving and protecting the environment.
 - [16] The applicant shall demonstrate that such facility shall not have an adverse impact upon the Town.
- (i) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
- (5) Uses under special permit by the Planning Board. **[Added 8-11-2021 by L.L. No. 5-2021]**
 - (a) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter.

B. Lot and bulk requirements shall be as follows:

- (1) Minimum lot area: 40,000 square feet, unless otherwise specified.
- (2) Minimum lot width: 150 feet, unless otherwise specified.
- (3) Maximum coverage:
 - (a) Principal building: 14%.
 - (b) Accessory building(s): 3.5%.
 - (c) All buildings: 17.5%.
 - (d) Impervious surfaces: 21.75%. **[Added 7-8-1987 by L.L. No. 3-1987]**
- (4) Minimum yards, unless otherwise specified:
 - (a) Front: 40 feet.
 - (b) One side: 25 feet. **[Amended 6-11-2003 by L.L. No. 5-2003]**
 - (c) Two sides: 50 feet. **[Amended 6-11-2003 by L.L. No. 5-2003]**
 - (d) Rear: 36 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
- (5) Minimum distance from detached accessory buildings or off-street parking areas to:
 - (a) Principal building: 10 feet (detached accessory building only).
 - (b) Side lot line: 20 feet.
 - (c) Rear lot line: 20 feet.
- (6) Maximum height: 2 1/2 stories, not to exceed 30 feet. However, for all one-family dwellings on lots 80,000 square feet or greater, the maximum height shall be 2 1/2 stories, not to exceed 35 feet, provided that the following minimum yard requirements are met: **[Amended 7-8-1987 by L.L. No. 3-1987 ; 5-22-2013 by L.L. No. 2-2013]**
 - (a) Front: 60 feet.
 - (b) One side: 36 feet.
 - (c) Two sides: 80 feet.
 - (d) Rear: 64 feet.
 - (e) All yards must comply with § 285-39 of this chapter.

§ 285-11. R-30 One-Family Residence District.

- A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:

- (1) Principal uses. All uses permitted in the R-40 District as specified in § 285-10A(1) of this chapter.
 - (2) Special permit uses. All uses permitted in the R-40 District as specified in § 285-10A(2) of this chapter.
 - (3) Accessory uses. All uses permitted in the R-40 District as specified in § 285-10A(3) of this chapter.
 - (4) Uses under special permit by Town Board. All uses permitted in the R-40 District as specified in § 285-10A(4) of this chapter.
- B. Lot and bulk requirements shall be as follows:
- (1) Minimum lot area: 30,000 square feet, unless otherwise specified.
 - (2) Minimum lot width: 135 feet, unless otherwise specified.
 - (3) Maximum coverage:
 - (a) Principal building: 16%.
 - (b) Accessory building(s): 4%.
 - (c) All buildings: 20%.
 - (d) Impervious surfaces: 25%. **[Added 7-8-1987 by L.L. No. 3-1987]**
 - (4) Minimum yards, unless otherwise specified:
 - (a) Front: 35 feet.
 - (b) One side: 20 feet. **[Amended 6-11-2003 by L.L. No. 5-2003]**
 - (c) Two sides: 45 feet. **[Amended 6-11-2003 by L.L. No. 5-2003]**
 - (d) Rear: 34 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
 - (5) Minimum distance from detached accessory buildings or off-street parking areas to:
 - (a) Principal building: 10 feet (detached accessory building only).
 - (b) Side lot line: 18 feet.
 - (c) Rear lot line: 18 feet.
 - (6) Maximum height: 2 1/2 stories, not to exceed 30 feet. However, for all one-family dwellings on lots 80,000 square feet or greater, the maximum height shall be 2 1/2 stories, not to exceed 35 feet, provided that the following minimum yard requirements are met: **[Amended 7-8-1987 by L.L. No. 3-1987 ; 5-22-2013 by L.L. No. 2-2013]**
 - (a) Front: 60 feet.

- (b) One side: 36 feet.
- (c) Two sides: 80 feet.
- (d) Rear: 64 feet.
- (e) All yards must comply with § 285-39 of this chapter.

§ 285-12. R-20 One-Family Residence District.

- A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:
- (1) Principal uses. All uses permitted in the R-40 District as specified in § 285-10A(1) of this chapter.
 - (2) Special permit uses. All uses permitted in the R-40 District as specified in § 285-10A(2) of this chapter.
 - (3) Accessory uses. All uses permitted in the R-40 District as specified in § 285-10A(3) of this chapter.
 - (4) Uses under special permit by Town Board. All uses permitted in the R-40 District as specified in § 285-10A(4) of this chapter.
- B. Lot and bulk requirements shall be as follows:
- (1) Minimum lot area: 20,000 square feet, unless otherwise specified.
 - (2) Minimum lot width: 120 feet, unless otherwise specified.
 - (3) Maximum coverage:
 - (a) Principal building: 18%.
 - (b) Accessory building(s): 4.5%.
 - (c) All buildings: 22.5%.
 - (d) Impervious surfaces: 29%. **[Added 7-8-1987 by L.L. No. 3-1987]**
 - (4) Minimum yards, unless otherwise specified:
 - (a) Front: 30 feet.
 - (b) One side: 18 feet. **[Amended 6-11-2003 by L.L. No. 5-2003]**
 - (c) Two sides: 40 feet. **[Amended 6-11-2003 by L.L. No. 5-2003]**
 - (d) Rear: 32 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
 - (5) Minimum distance from detached accessory buildings or off-street parking areas to:

- (a) Principal building: 10 feet (detached accessory building only).
- (b) Side lot line: 16 feet.
- (c) Rear lot line: 16 feet.
- (6) Maximum height 2 1/2 stories, not to exceed 30 feet. However, for all one-family dwellings on lots 80,000 square feet or greater, the maximum height shall be 2 1/2 stories, not to exceed 35 feet, provided that the following minimum yard requirements are met: **[Amended 7-8-1987 by L.L. No. 3-1987 ; 5-22-2013 by L.L. No. 2-2013]**
 - (a) Front: 60 feet.
 - (b) One side: 36 feet.
 - (c) Two sides: 80 feet.
 - (d) Rear: 64 feet.
 - (e) All yards must comply with § 285-39 of this chapter.

§ 285-13. R-15 One-Family Residence District.

- A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except the following uses:
 - (1) Principal uses. All uses permitted in the R-40 District, as specified in § 285-10A(1) of this chapter.
 - (2) Special permit uses. All uses permitted in the R-40 District as specified in § 285-10A(2) of this chapter.
 - (3) Accessory uses. All uses permitted in the R-40 District as specified in § 285-10A(3) of this chapter.
 - (4) Uses under special permit by Town Board. All uses permitted in the R-40 District as specified in § 285-10A(4) of this chapter.
- B. Lot and bulk requirements shall be as follows:
 - (1) Minimum lot area: 15,000 square feet, unless otherwise specified.
 - (2) Minimum lot width: 115 feet, unless otherwise specified.
 - (3) Maximum coverage:
 - (a) Principal building: 20%.
 - (b) Accessory building(s): 5%.
 - (c) All buildings: 25%.
 - (d) Impervious surfaces: 33.5%. **[Added 7-8-1987 by L.L. No. 3-1987]**

- (4) Minimum yards, unless otherwise specified:
 - (a) Front: 27 feet.
 - (b) One side: 14 feet.
 - (c) Two sides: 30 feet.
 - (d) Rear: 30 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
- (5) Minimum distance from detached accessory buildings or off-street parking areas to:
 - (a) Principal building: 10 feet (detached accessory buildings only).
 - (b) Side lot line: 14 feet.
 - (c) Rear lot line: 14 feet.
- (6) Maximum height 2 1/2 stories, not to exceed 30 feet. **[Amended 7-8-1987 by L.L. No. 3-1987 ; 5-22-2013 by L.L. No. 2-2013]**

§ 285-14. R-10 One-Family Residence District.

- A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:
 - (1) Principal uses. All uses permitted in the R-40 District, as specified in § 285-10A(1) of this chapter.
 - (2) Special permit uses. All uses permitted in the R-40 District, as specified in § 285-10A(2) of this chapter.
 - (3) Accessory uses. All uses permitted in the R-40 District as specified in § 285-10A(3) of this chapter.
 - (4) Uses under special permit by Town Board. All uses permitted in the R-40 District as specified in § 285-10A(4) of this chapter.
- B. Lot and bulk requirements shall be as follows:
 - (1) Minimum lot area: 10,000 square feet, unless otherwise specified.
 - (2) Minimum lot width: 100 feet, unless otherwise specified.
 - (3) Maximum coverage:
 - (a) Principal building: 22%.
 - (b) Accessory building(s): 5.5%.
 - (c) All buildings: 27.5%.

- (d) Impervious surfaces: 37.25%. **[Added 7-8-1987 by L.L. No. 3-1987]**
- (4) Minimum yards, unless otherwise specified:
 - (a) Front: 25 feet.
 - (b) One side: 12 feet.
 - (c) Two sides: 26 feet.
 - (d) Rear: 28 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
- (5) Minimum distance from detached accessory buildings or off-street parking areas to:
 - (a) Principal building: 10 feet (detached accessory buildings only).
 - (b) Side lot line: 12 feet.
 - (c) Rear lot line: 12 feet.
- (6) Maximum height: 2 1/2 stories, not to exceed 30 feet. **[Amended 7-8-1987 by L.L. No. 3-1987 ; 5-22-2013 by L.L. No. 2-2013]**

§ 285-15. R-7.5 One-Family Residence District.

- A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:
 - (1) Principal uses. All uses permitted in the R-40 District as specified in § 285-10A(1) of this chapter.
 - (2) Special permit uses. All uses permitted in the R-40 District as specified in § 285-10A(2) of this chapter.
 - (3) Accessory uses. All uses permitted in the R-40 District as specified in § 285-10A(3) of this chapter.
 - (4) Uses under special permit by Town Board. All uses permitted in the R-40 District as specified in § 285-10A(4) of this chapter.
- B. Lot and bulk requirements shall be as follows:
 - (1) Minimum lot area: 7,500 square feet, unless otherwise specified.
 - (2) Minimum lot width: 75 feet, unless otherwise specified.
 - (3) Maximum coverage:
 - (a) Principal building: 24%.
 - (b) Accessory building(s): 6%.

- (c) All buildings: 30%.
- (d) Impervious surfaces: 40.75%. **[Added 7-8-1987 by L.L. No. 3-1987]**
- (4) Minimum yards, unless otherwise specified:
 - (a) Front: 20 feet.
 - (b) One side: 10 feet.
 - (c) Two sides: 22 feet.
 - (d) Rear: 26 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
- (5) Minimum distance from detached accessory buildings or off-street parking areas to:
 - (a) Principal building: 10 feet (detached accessory buildings only).
 - (b) Side lot line: 10 feet.
 - (c) Rear lot line: 10 feet.
- (6) Maximum height: 2 1/2 stories, not to exceed 30 feet. **[Amended 7-8-1987 by L.L. No. 3-1987 ; 5-22-2013 by L.L. No. 2-2013]**

§ 285-16. R-5 One-Family Residence District.

- A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:
 - (1) Principal uses. All uses permitted in the R-40 District as specified in § 285-10A(1) of this chapter.
 - (2) Special permit uses. All uses permitted in the R-40 District as specified in § 285-10A(2) of this chapter.
 - (3) Accessory uses. All uses permitted in the R-40 District as specified in § 285-10A(3) of this chapter.
 - (4) Uses under special permit by Town Board. All uses permitted in the R-40 District as specified in § 285-10A(4) of this chapter.
- B. Lot and bulk requirements shall be as follows:
 - (1) Minimum lot area: 5,000 square feet, unless otherwise specified.
 - (2) Minimum lot width: 50 feet, unless otherwise specified.
 - (3) Maximum coverage:
 - (a) All buildings: 30%.

- (b) Impervious surfaces: 43.75%.
- (4) Minimum yards, unless otherwise specified:
 - (a) Front: 20 feet.
 - (b) One side: eight feet. **[Amended 6-11-2003 by L.L. No. 5-2003]**
 - (c) Two sides: 18 feet.
 - (d) Rear: 26 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
- (5) Minimum distance from detached accessory buildings to: **[Amended 12-20-1994 by L.L. No. 12-1994]**
 - (a) Principal building: eight feet.
 - (b) Side lot line: eight feet.
 - (c) Rear lot line: eight feet.
- (6) Maximum height: 2 1/2 stories, not to exceed 30 feet. **[Amended 7-8-1987 by L.L. No. 3-1987 ; 5-22-2013 by L.L. No. 2-2013]**

§ 285-16.1. R-5/LTF One-Family/Limited Two-Family Residence District. [Added 11-14-2018 by L.L. No. 11-2018]

- A. Permitted uses. No building or premises shall be used, and no building shall be erected, altered or added to, unless otherwise provided in this chapter, except for the following uses:
 - (1) Principal uses.
 - (a) All uses permitted in the R-40 District as specified in § 285-10A(1) of this chapter.
 - (b) All Two-Family Residences either approved or lawfully existing at the time of the enactment of this section.
 - (2) Special permit uses: all uses permitted in the R-40 District as specified in § 285-10A(2) of this chapter.
 - (3) Accessory uses: all uses permitted in the R-40 District as specified in § 285-10A(3) of this chapter.
 - (4) Uses under special permit by Town Board: all uses permitted in the R-40 District as specified in § 285-10A(4) of this chapter.
- B. Lot and bulk requirements shall be as follows:
 - (1) Minimum lot area: 5,000 square feet, unless otherwise specified; 6,000 square feet minimum for Two-Family.
 - (2) Minimum lot width: 50 feet, unless otherwise specified.

- (3) Maximum coverage:
 - (a) All buildings: 30%.
 - (b) Impervious surfaces: 43.75%.
- (4) Minimum yards, unless otherwise specified:
 - (a) Front: 20 feet.
 - (b) One side: eight feet.
 - (c) Two sides: 18 feet.
 - (d) Rear: 26 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
- (5) Minimum distance from detached accessory buildings to:
 - (a) Principal building: eight feet.
 - (b) Side lot line: eight feet.
 - (c) Rear lot line: eight feet.
- (6) Maximum height: 2 1/2 stories, not to exceed 30 feet.

§ 285-16.2. R-5/LMF One-Family/Limited Multifamily Residence District. [Added 11-14-2018 by L.L. No. 12-2018]

- A. Permitted uses. No building or premises shall be used, and no building shall be erected, altered or added to, unless otherwise provided in this chapter, except for the following uses:
- (1) Principal uses.
 - (a) All uses permitted in the R-40 District as specified in § 285-10A(1) of this chapter.
 - (b) All Limited Multifamily Residences, as defined in § 285-5, either approved or lawfully existing at the time of the enactment of this section.
 - (2) Special permit uses: all uses permitted in the R-40 District as specified in § 285-10A(2) of this chapter.
 - (3) Accessory uses: all uses permitted in the R-40 District as specified in § 285-10A(3) of this chapter.
 - (4) Uses under special permit by Town Board: all uses permitted in the R-40 District as specified in § 285-10A(4) of this chapter.
- B. Lot and bulk requirements shall be as follows:
- (1) Minimum lot area: 5,000 square feet, unless otherwise specified; 6,000 square feet minimum for Two-Family; 2,000 square feet minimum for Townhouse and Garden

Apartments.

- (2) Minimum lot width: 50 feet, unless otherwise specified.
- (3) Maximum coverage:
 - (a) All buildings, unless otherwise specified: 30%; Townhouses and Garden Apartments: 35%.
 - (b) Impervious surfaces: 43.75%.
- (4) Minimum yards, unless otherwise specified:
 - (a) Front: 20 feet.
 - (b) One side: eight feet.
 - (c) Two sides: 18 feet. This requirement shall not apply to Townhouse and Garden Apartments.
 - (d) Rear: 26 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
- (5) Minimum distance from detached accessory buildings to:
 - (a) Principal building: eight feet.
 - (b) Side lot line: eight feet.
 - (c) Rear lot line: eight feet.
- (6) Maximum height: 2 1/2 stories, not to exceed 30 feet.

§ 285-17. M-6 Multifamily Residence District. [Added 6-11-1986]

- A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to, unless otherwise provided in this chapter, except for the following uses:
- (1) Principal uses.
 - (a) One-family detached dwellings, in accordance with the R-10 District, as specified and regulated in § 285-14A(1) of this chapter.
 - (b) Multifamily dwellings or groups of multidwellings. The building length of any multifamily dwelling shall not exceed 140 feet.
 - (c) Public parks, playgrounds or similar recreational areas.
 - (d) Firehouses, police stations or other public safety uses operated by the Town of Greenburgh, Westchester County or by any other governmental authority.
 - (e) Other municipal buildings or uses operated by the Town of Greenburgh.

- (f) Places of religious worship, including part-time religious schools and parish houses, rectories or parsonages in accordance with the provisions of the R-40 District as specified in § 285-10A(1) of this chapter.
- (2) Special permit uses.
- (a) Private clubs, social clubs or lodges operated by nonprofit membership corporations exclusively for members and their guests, including ice-skating, tennis, swimming and similar facilities, subject to the following:
 - [1] The minimum lot size shall be two acres.
 - [2] No building and no area designated for recreation shall be located nearer than 100 feet to any street or lot line, except that, where the adjacent properties have not been substantially developed for residential purposes and are not reasonably susceptible to future residential development, courts for tennis, badminton, lawn bowling and similar recreational uses which are unilluminated and designed for daylight use only and have no facilities for spectators may be located less than 100 feet from any lot line or street line, but in no event less than 25 feet therefrom.
 - [3] The State and County Departments of Health shall certify that said clubs are in compliance with all respective codes and regulations to which they have jurisdiction.
 - (b) Privately operated nursery schools and day-care centers in accordance with and regulated by the provisions of the R-40 District as specified in § 285-10A(2)(e) and § 285-10A(4)(e). **[Amended 10-8-1997 by L.L. No. 10-1997]**
- (3) Accessory uses.
- (a) For single-family dwellings or for uses permitted in any single-family district, any accessory use permitted and regulated in the R-10 District as specified in § 285-14A(3) of this chapter.
 - (b) For multifamily dwellings, the following accessory uses are permitted:
 - [1] Professional offices as permitted and limited in § 285-36 of this chapter. **[Amended 9-13-1995 by L.L. No. 10-1995]**
 - [2] Off-street parking, including an accessory private garage within, under, directly connected to or separated from the principal building to which it is accessory, provided that it complies with the requirements of § 285-38 of this chapter. **[Amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
 - [3] Private swimming pools and tennis courts, provided that any such use, wherever located on the premises, shall be completely enclosed by a security fence and shall comply with all requirements as set forth in § 285-36 of this chapter.

- [4] The keeping of not more than two dogs or cats over the age of six months.
 - [5] Accessory signs, subject to the applicable provisions of the Sign and Illumination Law of the Town of Greenburgh.
 - [6] Other customary accessory uses, provided that said uses are incidental to the principal use and further provided that said use shall not include any activity conducted as a business.
 - [7] Common dining, laundry, security and housekeeping facilities, principally for the use of residents, in conjunction with dwelling units occupied as independent living facilities. **[Added 10-14-1992 by L.L No. 6-1992]**
 - [8] Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
- (c) Suitable open space. On the same lot with any multifamily dwelling hereafter erected, there shall be provided as a required accessory use an area or areas containing not less than 100 square feet of suitable open space for each bedroom contained in such multifamily dwelling, but not less than 200 square feet per dwelling unit contained in said development.

B. Lot and bulk requirements shall be as follows:

- (1) Minimum lot area: 7,000 square feet per dwelling unit, unless otherwise specified.
- (2) Minimum lot width: none specified.
- (3) Maximum coverage:
 - (a) Principal building: 12%.
 - (b) Accessory building(s): 3%.
 - (c) All buildings: 15%.
 - (d) Impervious surfaces: 30%. **[Added 7-8-1987 by L.L. No. 3-1987]**
- (4) Minimum yards, unless otherwise specified:
 - (a) Front: 60 feet.
 - (b) One side: 60 feet.
 - (c) Two sides: 120 feet.
 - (d) Rear: 60 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
- (5) Minimum distance from detached accessory buildings or off-street parking areas to:
 - (a) Principal building: 10 feet.

- (b) Side lot line: 20 feet.
- (c) Rear lot line: 20 feet.
- (6) Maximum height: two stories not to exceed 25 feet.

§ 285-18. M-10 Multifamily Residence District.

A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:

- (1) Principal uses.
 - (a) One-family detached dwellings, in accordance with the R-10 District, as specified and regulated in § 285-14A(1) of this chapter.
 - (b) Multifamily dwellings or groups of multifamily dwellings. The building length of any multifamily dwelling shall not exceed 180 feet.
 - (c) Public parks, playgrounds or similar recreational areas owned or operated by a governmental authority. **[Amended 7-8-1987 by L.L. No. 3-1987]**
 - (d) Firehouses, police stations or other public safety uses operated by the Town of Greenburgh, Westchester County, or by any other governmental authority.
 - (e) Other municipal buildings or uses operated by the Town of Greenburgh.
 - (f) Places of religious worship, including part-time religious schools and parish houses, rectories or parsonages, in accordance with the provisions of the R-40 District as specified in § 285-10A(1) of this chapter.
- (2) Special permit uses.
 - (a) Private clubs, social clubs or lodges operated by nonprofit membership corporations exclusively for members and their guests, including ice-skating, tennis, swimming and similar facilities, subject to the following:
 - [1] The minimum lot size shall be two acres.
 - [2] No building and no area designated for recreation shall be located nearer than 100 feet to any street or lot line, except that, where the adjacent properties have not been substantially developed for residential purposes and are not reasonably susceptible to future residential development, courts for tennis, badminton, lawn bowling and similar recreational uses, which are unilluminated and designed for daylight use only and have no facilities for spectators, may be located less than 100 feet from any lot line or street line, but in no event less than 25 feet therefrom.
 - [3] The State and County Departments of Health shall certify that said clubs are in compliance with all respective codes and regulations to which they have jurisdiction.

- (b) Roomers and boarders shall be prohibited except in detached single-family dwellings pursuant to the provisions of § 285-10A(2)(g). **[Amended 1-22-1986]**
 - (c) Privately operated nursery schools and day-care centers in accordance with and regulated by the provisions of the R-40 District as specified in § 285-10A(2)(e) and § 285-10A(4)(e). **[Amended 10-8-1997 by L.L. No. 10-1997]**
- (3) Accessory uses.
- (a) For single-family dwellings or for uses permitted in any single-family district, any accessory use permitted and regulated in the R-10 District as specified in § 285-14A(3) of this chapter.
 - (b) For multifamily dwellings, the following accessory uses are permitted:
 - [1] Professional offices as permitted and limited in § 285-36 of this chapter. **[Amended 7-8-1987 by L.L. No. 3-1987 ; 9-13-1995 by L.L. No. 10-1995]**
 - [2] Off-street parking, including an accessory private garage within, under, directly connected to or separated from the principal building to which it is accessory, provided that it complies with the requirements of § 285-38 of this chapter. **[Amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
 - [3] Private swimming pools and tennis courts, provided that any such use, wherever located on the premises, shall be completely enclosed by a security fence and shall comply with all requirements as set forth in § 285-36 of this chapter.
 - [4] The keeping of not more than two dogs or cats over the age of six months.
 - [5] Accessory signs, subject to the applicable provisions of the Sign and Illumination Law of the Town of Greenburgh.
 - [6] Other customary accessory uses, provided that said uses are incidental to the principal use, and further provided that said use shall not include any activity conducted as a business.
 - [7] Antennas subject to the conditions set forth in § 285-37 of this chapter. **[Added 11-14-1984 ; amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
 - [8] Common dining, laundry, security and housekeeping facilities, principally for the use of residents, in conjunction with dwelling units occupied as independent living facilities. **[Added 10-14-1992 by L.L. No. 6-1992]**
 - [9] Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
 - (c) Suitable open space. On the same lot with any multifamily dwelling hereafter erected, there shall be provided as a required accessory use an area or areas

containing not less than 75 square feet of suitable open space for each bedroom contained in such multifamily dwelling, but not less than 150 square feet per dwelling unit contained in said development.

B. Lot and bulk requirements shall be as follows:

- (1) Minimum lot area: 4,000 square feet per dwelling unit, unless otherwise specified.
- (2) Minimum lot width: none specified.
- (3) Maximum coverage:

Type of Building	Two-Story Buildings	Three-Story Buildings
Principal building	14.4%	9.6%
Accessory building(s)	5.6%	5.4%
All buildings	20%	15%
Impervious surfaces [Added 7-8-1987 by L.L. No. 3-1987]	39%	34%

- (4) Minimum yards, unless otherwise specified:

Type of Building	Two-Story Buildings	Three-Story Buildings
Front	50	60
1 side	50	60
2 sides	100	120
Rear	55	60

All yards must comply with § 285-39 of this chapter.

- (5) Minimum distance from detached accessory buildings or off-street parking areas to:
 - (a) Principal building: 10 feet.
 - (b) Side lot line: 15 feet.
 - (c) Rear lot line: 15 feet.
- (6) Maximum height: three stories, not to exceed 38 feet. [Amended 7-8-1987 by L.L. No. 3-1987]

§ 285-19. M-14 Multifamily Residence District.

- A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:

- (1) Principal uses. All uses permitted in the M-10 Multifamily Residence District, as specified in § 285-18A(1) of this chapter.
- (2) Special permit uses. All special permit uses in the M-10 Multifamily Residence District, as specified in § 285-18A(2) of this chapter.
- (3) Accessory uses. All accessory uses permitted and regulated in the M-10 Multifamily Residence District, as specified in § 285-18A(3) of this chapter.

B. Lot and bulk regulations shall be as follows:

- (1) Minimum lot area: 3,000 square feet per dwelling unit, unless otherwise specified.
- (2) Minimum lot width: none specified.
- (3) Maximum coverage:

Type of Building	Two-Story Buildings	Three- Story Buildings
Principal building	18.3%	12.2%
Accessory building(s)	6.7%	6.8%
All buildings	25%	19%
Impervious surfaces [Added 7-8-1987 by L.L. No. 3-1987]	49%	43%

- (4) Minimum yards, unless otherwise specified:

Type of Building	Two-Story Buildings	Three-Story Buildings
Front	40	45
1 side	40	45
2 sides	80	90
Rear	40	45

All yards must comply with § 285-39 of this chapter.

- (5) Minimum distance from detached accessory buildings or off-street parking areas to:
 - (a) Principal building: 10 feet.
 - (b) Side lot line: 10 feet.
 - (c) Rear lot line: 10 feet.
- (6) Maximum height: three stories, not to exceed 38 feet. **[Amended 7-8-1987 by L.L. No. 3-1987]**

§ 285-20. M-22 Multifamily Residence District.

- A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:
 - (1) Principal uses. All uses permitted in the M-10 Multifamily Residence District, as specified in § 285-18A(1) of this chapter.
 - (2) Special permit uses. All special permit uses in the M-10 Multifamily Residence District, as specified in § 285-18A(2) of this chapter.
 - (3) Accessory uses. All accessory uses permitted and regulated in the M-10 Multifamily Residence District, as specified in § 285-18A(3) of this chapter.
- B. Lot and bulk regulations shall be as follows:
 - (1) Minimum lot area: 2,000 square feet per dwelling unit, unless otherwise specified.
 - (2) Minimum lot width: none specified.
 - (3) Maximum coverage:

Type of Building	Two-Story Buildings	Three-Story Buildings
Principal building	26.1%	17.2%
Accessory building(s)	9.9%	9.8%
All buildings	36.0%	27.0%
Impervious surfaces [Added 7-8-1987 by L.L. No. 3-1987]	67.5%	58.5%

- (4) Minimum yards, unless otherwise specified:

Type of Building	Two-Story Buildings	Three-Story Buildings
Front	40	45
1 side	40	45
2 sides	80	90
Rear	40	45

All yards must comply with § 285-39 of this chapter.

- (5) Minimum distance from detached accessory buildings or off-street parking areas to:

- (a) Principal building: 10 feet.
- (b) Side lot line: 10 feet.
- (c) Rear lot line: 10 feet.
- (6) Maximum height: three stories, not to exceed 38 feet. **[Amended 7-8-1987 by L.L. No. 3-1987]**

§ 285-21. M-25 High-Rise Multifamily Residence District.

- A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:
 - (1) Principal uses. All uses permitted in the M-10 Multifamily Residence District, as specified in § 285-18A(1) of this chapter.
 - (2) Special permit uses. All special permit uses in the M-10 Multifamily Residence District, as specified in § 285-18A(2) of this chapter.
 - (3) Accessory uses. All accessory uses permitted and regulated in the M-10 Multifamily Residence District, as specified in § 285-18A(3) of this chapter.
- B. Lot and bulk requirements shall be as follows:
 - (1) Minimum lot area: 1,750 square feet per dwelling unit, unless otherwise specified.
 - (2) Minimum lot width: none specified.
 - (3) Maximum coverage:
 - (a) Principal building: 10%.
 - (b) Accessory building(s): 5%.
 - (c) All buildings: 15%.
 - (d) Impervious surfaces: 50%. **[Added 7-8-1987 by L.L. No. 3-1987]**
 - (4) Minimum yards, unless otherwise specified:
 - (a) Front: 50 feet.
 - (b) One side: 50 feet.
 - (c) Two sides: 100 feet.
 - (d) Rear: 60 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
 - (5) Minimum distance from detached accessory buildings or off-street parking areas to:
 - (a) Principal building: 10 feet.

- (b) Side lot line: 10 feet.
- (c) Rear lot line: 10 feet.
- (6) Maximum height: six stories, not to exceed 68 feet; except that the height of accessory buildings shall be limited to one story, not to exceed 12 feet. **[Amended 7-8-1987 by L.L. No. 3-1987]**

§ 285-22. M-174 High-Rise Multifamily Residence District.

A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:

- (1) Principal uses. All uses permitted in the M-10 Multifamily Residence District, as specified in § 285-18A(1) of this chapter.
- (2) Special permit uses. All special permit uses in the M-10 Multifamily Residence District, as specified in § 285-18A(2) of this chapter.
- (3) Accessory uses.
 - (a) All accessory uses permitted and regulated in the M-10 Multifamily Residence District, as specified in § 285-18A(3) of this chapter.
 - (b) On lots abutting a street having width of not less than 100 feet, the following uses are permitted, subject to the issuance of special permit and subject to the conditions set forth below and to the requirement that a fifteen-foot landscaped strip is provided between the street line and any pavement or parking area:
 - [1] Business, professional or banking offices.
 - [2] Restaurants, but not including diners or similar structures or outdoor counter service or drive-in or curb service, but such prohibition shall not prevent service at table on a covered or uncovered terrace or porch incident to a permitted restaurant; provided, however, that no such restaurant shall remain open after 11:00 p.m.
 - (c) Suitable open space. On the same lot with any multifamily dwelling hereafter erected, there shall be provided as a required accessory use an enclosed area or areas containing not less than 50 square feet of suitable open space for each bedroom contained in such multifamily dwelling, but not less than 100 square feet per dwelling unit. **[Amended 7-8-1987 by L.L. No. 3-1987]**

B. Lot and bulk requirements shall be as follows:

- (1) Minimum lot area: 250 square feet per dwelling unit, unless otherwise specified.
- (2) Minimum lot width: none specified.
- (3) Maximum coverage:
 - (a) All buildings: 50%.

- (b) Impervious surfaces: 80%. **[Added 7-8-1987 by L.L. No. 3-1987]**
- (4) Minimum yards, unless otherwise specified:
 - (a) Front: 10 feet.
 - (b) One side: 10 feet.
 - (c) Two sides: 20 feet.
 - (d) Rear: 30 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
- (5) Minimum distance from detached accessory buildings or off-street parking areas to:
 - (a) Principal building: 10 feet.
 - (b) Side lot line: 10 feet.
 - (c) Rear lot line: 10 feet.
- (6) Maximum height: six stories, not to exceed 68 feet; except that the height of accessory buildings shall be limited to one story, not to exceed 12 feet. **[Amended 7-8-1987 by L.L. No. 3-1987]**

§ 285-22.1. M-SH-62 Multifamily Senior Housing. [Added 9-27-2017 by L.L. No. 4-2017]

- A. Approving Agency. The approving agency for corresponding site plans shall be consistent with provisions established in § 285-53.
- B. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter. except for the following uses:
 - (1) Principal Uses.
 - (a) Multifamily dwellings or groups of multifamily dwellings for Senior Housing limited in occupancy exclusively to aged 62 or older, except as provided for in Subsection B(2)(d), below:
 - (b) Municipal buildings or uses operated by the Town of Greenburgh.
 - (2) Accessory Uses.
 - (a) Professional offices in connection with the Multifamily Senior Housing development as permitted and limited in § 285-36 of this chapter.
 - (b) Off-street parking in accordance with § 285-38 of this chapter.
 - (c) Common dining, recreation facilities/spaces, community rooms, laundry, security and housekeeping facilities, solely for the use of residents.
 - (d) One accessory unit for occupancy by building maintenance.

- (e) Private swimming pools and tennis courts. provided that any such use. wherever located on the premises. shall be completely enclosed by a security fence and shall comply with all requirements as set forth in § 285-36 of this chapter.
 - (f) Accessory signs, subject to the applicable provisions of the Sign and Illumination Law of the Town of Greenburgh.⁸
 - (g) Antennas subject to the conditions set forth in § 285-37 of this chapter.
 - (h) Suitable open space shall be provided at a minimum of 75 square feet of suitable open space for each bedroom contained in the multifamily development, but not less than 150 square feet for each dwelling unit contained in said development.
 - (i) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
- C. Lot and bulk requirements shall be as follows:
- (1) Maximum density: 35 bedrooms per acre.
 - (2) Minimum Lot Size: two acres.
 - (3) Minimum lot width: none specified.
 - (4) Maximum coverage.
 - (a) All buildings: 30%.
 - (b) Impervious surfaces: 60%.
 - (5) Minimum yards, unless otherwise specified.
 - (a) Front: 50 feet.
 - (b) Side: 50 feet.
 - (c) Rear: 50 feet.
 - (d) All yards must comply with § 285-39 of this chapter.
 - (6) Minimum distance from detached accessory buildings or off-street parking areas to:
 - (a) Principal building: 10 feet.
 - (b) Side lot line: 10 feet.
 - (c) Rear lot line: 25 feet.
 - (7) Maximum height. The maximum height of all buildings shall not exceed 2 1/2 stories and shall not exceed 30 feet. Where topography and landscaping or other on-site or adjacent conditions provide adequate screening. the Town Board may increase the maximum height to three or four stories, not exceeding 50 feet.

8. Editor's Note: See Ch. 240.

§ 285-23. PH Scatter-Site Public Housing District.

- A. Permitted uses. No building shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:
- (1) Principal uses.
 - (a) Any principal use as permitted and regulated in § 285-14 herein.
 - (b) Multifamily dwellings or groups of multifamily dwellings, provided that all shall be financed for public housing.
 - (2) Special permit uses. Any special permit use as permitted and regulated in § 285-10A(2) herein. **[Amended 7-8-1987 by L.L. No. 3-1987]**
 - (3) Accessory uses.
 - (a) Any accessory use as permitted and regulated in § 285-14 herein.
 - (b) For a multifamily dwelling or group of dwellings, the following accessory uses are permitted:
 - [1] Recreation areas and park areas.
 - [2] Accessways.
 - [3] An identification sign not exceeding four square feet in area adjacent to each entrance to a multifamily dwelling or group of dwellings, which sign shall evidence and be fully consistent with the residential character, architectural styling and geographical siting of such housing facilities; provided, however, that nowhere on said sign, nor in conjunction therewith, shall there appear any reference, description or any other indicia, direct or indirect, whether by name, number or otherwise, to the Greenburgh Housing Authority (or successor agency thereto), to any public officials nor to any board, body, commission, or instrumentality of the Town or any other governmental agency, whether local, state or federal, and which sign shall be a nonilluminated sign and in all respects be subject to the applicable provisions of the Sign and Illumination Law⁹ of the Town of Greenburgh, except where this provision is in conflict with any applicable state or federal regulation.
 - [4] Off-street parking.
 - [5] Service areas necessary to the dwelling or dwellings on the lot.
 - [6] The keeping of not more than two dogs or cats over the age of six months.
 - [7] Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
 - (c) Suitable open space. On the same lot with any multifamily dwelling or group of

9. Editor's Note: See Ch. 240.

dwelling hereafter erected, there shall be provided as a required accessory use a recreation area or areas containing not less than 75 square feet for each bedroom contained in such multifamily dwelling or dwellings, but not less than 150 square feet per dwelling unit contained in said development.

B. Lot and bulk requirements shall be as follows:

(1) Minimum lot area.

(a) For public housing projects with 15 units or fewer: 4,500 square feet per dwelling unit.

(b) For public housing projects with 16 to 25 units: 6,500 square feet per dwelling unit.

(2) Minimum lot width: no minimum specified.

(3) Maximum coverage:

Type of Building	Public Housing Projects of 15 Units or Fewer	Public Housing Projects of 16 to 25 Units
Principal building	11.5%	8.5%
Accessory building	4.5%	3.5%
All buildings	16%	12%
Impervious surfaces [Added 7-8-1987 by L.L. No. 3-1987]	30%	25%

(4) Minimum yards:

(a) Front: 40 feet.

(b) One side: 40 feet.

(c) Two sides: 80 feet.

(d) Rear: 40 feet.

(5) Minimum distance from detached accessory buildings or off-street parking areas to:

(a) Principal building: 10 feet.

(b) Side lot line: 10 feet.

(c) Rear lot line: 10 feet.

(6) Maximum height: two stories, not to exceed 25 feet. [Amended 7-8-1987 by L.L. No. 3-1987]

§ 285-24. PUD Planned Unit Development District. [Amended 4-8-1981 ; 3-24-1982 ; 7-14-1982 ; 2-22-1984]

A. Statement of intent and objectives.

- (1) It is the intent of this Planned Unit Development (PUD) District to provide performance criteria in the context of flexible use and design regulations so that self-contained residential neighborhoods of varying scales may be developed, incorporating a variety of residential types and related nonresidential uses and containing both individual building sites and common property which are planned and developed as a unit.
- (2) Where planned unit development techniques are deemed appropriate, the rezoning of land to a Planned Unit Development District by the Town Board replaces the use and dimensional specifications contained elsewhere in this chapter by an approval process in which an approved plan becomes the basis for continuing land use controls during the development period and thereafter.
- (3) Among the objectives which should be achieved through use of the planned unit development technique are the following:
 - (a) The creative use of land so as to establish a more desirable living environment than would be possible through the strict application of other sections of this chapter.
 - (b) The preservation of water bodies, wetlands, steep slopes, hilltops, ridgelines, major stands of trees, outstanding natural topography, significant geological features and other areas of scenic and ecological values and the prevention of soil erosion and the minimization of flood hazard.
 - (c) An efficient use of the land so as to facilitate the adequate and economical provision and maintenance of streets and drainage facilities for future residential developments on the major remaining undeveloped lands in the Town so as to promote the public health, safety and welfare and minimize potential pollution hazards.
 - (d) Innovation, flexibility and variety in the type, design and layout of residential housing so as to permit greater variety in the choice of housing type, living environment, occupancy tenure and housing cost.
 - (e) The maximum provision of community, recreational and other service facilities as integral parts of newly constructed residential communities.
 - (f) A development pattern in harmony with the planning objectives of the Town.

B. Development standards and general requirements.

- (1) Use and density standards.
 - (a) Minimum site area. The minimum site area for a planned unit development shall be a parcel of land adequate in size to accommodate 50 dwelling units, as determined in accordance with the provisions for establishing density as set forth in § 285-24B(1)(e) hereof, but in no case shall the minimum site area be less than 15 acres.
 - (b) Ownership. The land proposed for a planned unit development may be owned by

one or more persons or corporations but shall be combined into a single contiguous parcel of land at or prior to the time of application to the Town Board. The application shall be jointly submitted by all owners and, if approved, shall be jointly binding on all of them.

(c) Permitted principal uses.

[1] Dwelling units of all types.

(d) Permitted accessory uses.

[1] Accessory uses permitted in the R-10 District as specified in § 285-14A(3) of this chapter.

[2] Other accessory uses specifically related to the planned unit development, including but not limited to storage and maintenance buildings, recreation buildings and uses, clubhouses, management offices and utility structures serving the planned unit development. Antenna(s), where permitted, shall comply with the conditions set forth in § 285-37 of this chapter. **[Amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**

[3] Common dining, laundry, security and housekeeping facilities, principally for the use of residents, in conjunction with dwelling units occupied as independent living facilities. **[Added 10-14-1992 by L.L. No. 6-1992]**

(e) Residential density and standards.

[1] Density. The maximum number of dwelling units in a planned unit development shall be determined by dividing the total land area by the normally required minimum lot size for the zoning district in which it is located and subtracting 25%. **[Amended 12-10-1985]**

[2] Building types. The type of residential dwelling units permitted with a planned unit development shall be detached, semidetached and/or attached buildings and shall be subject to the conditions set forth below.

[3] Landscaped open spaces.

[a] Landscaped open spaces or open areas left substantially in their natural state shall be provided at a ratio of not less than 500 square feet of open space for every bedroom proposed in the planned unit development. Under site plan approval, the Planning Board may require that as much as 20% of the total gross acreage of such open space be provided in the form of suitable open space.

[b] A portion of the open space may be required by the Planning Board for active recreational uses for the residents and guests of a planned unit development. The size, shape, access, location, buffer and uses of such area shall be determined by the Planning Board during planned unit development review, site plan review or both.

- [4] Distance between principal buildings. At a minimum, the distance between principal buildings shall be not less than the average height of principal buildings; except when principal buildings are single-family detached dwellings, the distance between principal buildings shall be no less than 15 feet. **[Amended 6-11-1997 by L.L. No. 7-1997]**
- [5] Buffer areas. **[Amended 6-11-1997 by L.L. No. 7-1997]**
- [a] A buffer area shall be provided along the property line of the planned unit development, including all street lines. The buffer shall be a minimum of 75 feet in depth, except when the planned unit development is comprised of single-family detached homes; in which instance, the minimum depth shall be 25 feet; however, no building shall be closer than 50 feet to the PUD property line. When a PUD is comprised of both single-family and multifamily homes, a twenty-five-foot buffer will be required where the single-family homes abut property outside the PUD, and a seventy-five-foot buffer will be required where multifamily homes abut property outside the PUD. The buffer shall be measured inward from the property line and shall be suitably landscaped with grass and shrubs, trees or other ground cover or such screening as the Planning Board may prescribe. No parking area and no principal or accessory building or use shall be located in the buffer area, but accessways serving the planned unit development shall be permitted.
- [b] The Planning Board may require increased perimeter setbacks beyond that required by § 285-24B(1)(e)[5][a], above, whenever it determines that they are warranted by the topography, the nature of the existing vegetation or the relationship to and impact on neighboring properties and land uses.
- (f) Off-street parking and loading.
- [1] Off-street parking and loading shall be provided in accordance with the ratios established in § 285-38 of this chapter. **[Amended 8-13-1996 by L.L. No. 7-1996]**
- (g) Design considerations. The following design elements shall be considered by the Planning Board in addition to the specific provisions of the land subdivision regulations and the normal factors examined in the development plan review:
- [1] Visual privacy shall be assured for residents of the planned unit development through the proper design of rear yards and/or patio spaces. Proper screening through the use of vegetation, fencing and partially or fully enclosed patios shall be provided.
- [2] Audio privacy shall be maintained by requiring proper standards for party walls that will satisfactorily limit sound transmission between adjoining dwelling units. Such standards shall be to the satisfaction of the Building Inspector.

[3] A maximum of six dwelling units may be permitted in any single grouping of attached dwellings.

[4] Any building or accessory building shall be set back a minimum of 25 feet from any principal interior planned unit development street intended to carry through traffic and not to provide direct access to buildings.

(2) Common property.

(a) Common property in a planned unit development is a parcel or parcels of land, together with all improvements thereon, the use and enjoyment of which shall be preserved by a right and easement of use and enjoyment thereto, which right and easement shall be appurtenant to and pass with the title to each dwelling unit, whether such title be in fee simple absolute or represented by shares in a cooperative organization. If any portion of land comprising the common property is, prior to April 8, 1981, being used by a membership club, such use by such membership club, including nonowner/nonoccupant members thereof, may be permitted, provided that:

[1] Owners and occupants of the individual dwelling units are offered automatic admittance to the membership club on an equal basis and status with the nonowner/nonoccupant members; and

[2] The rules, regulations and bylaws of such membership clubs shall comply with all applicable state and local laws prohibiting discrimination.

(b) Homeowners' association. Where common property exists, the ownership, maintenance and preservation of such property shall be permanently assured to the satisfaction of the Planning Board by the filing of appropriate easements, covenants and restrictions and through a private land trust or association of all property owners (hereafter "homeowners' association" or "HOA") established in accordance with applicable law and pursuant to the following requirements:

[1] The HOA certificate of incorporation, the bylaws and the organization's declaration of restrictions must be submitted to the office of the Town Attorney and the Planning Board for approval before final site plan approval may be granted. They shall clearly provide:

[a] That the HOA will take responsibility for all insurance, taxes, governmental assessments, utility costs, maintenance, operation, repair and the management of the common property, including recreational facilities and other amenities.

[b] That a capital reserve fund for future major maintenance and repair will be created.

[c] That homeowners will be gradually exposed to and begin to participate in the management obligations of the HOA well in advance of their majority control thereof.

- [d] That the assessments levied by the HOA against each unit owner will be determined by taking into account actual costs of insurance, maintenance, management, taxes and other governmental and utility assessments.
 - [e] What the initial developer's contribution will be and how it is to be arrived at up through the time of homeowner control.
 - [f] That the assessments should be at all times accurate reflections of all costs referable to the common property.
 - [g] That membership in the HOA will be mandatory for all unit owners within the planned unit development.
 - [h] That the assessments levied by the HOA which are unpaid in excess of 60 days shall become both a lien on each individual title and a personal obligation against each unit owner.
- [2] The HOA must be formed prior to the issuance of a building permit for the first dwelling unit. The HOA must be formed pursuant to the applicable regulations promulgated by the New York State Attorney General's Office, as set forth herein. The HOA must be formed as either a homeowners' association pursuant to Title 13 of the New York Codes, Rules and Regulations, Part 22; a condominium pursuant to Title 13 of the New York Codes, Rules and Regulations, Part 20; or a cooperative pursuant to Title 13 of the New York Codes, Rules and Regulations, Part 21. All requirements in this chapter for HOAs shall be equally applicable to homeowners' associations, condominiums and cooperatives. **[Amended 5-8-1985]**
- [3] Where there is to be a lease of any portion of the common property, it must be submitted for approval to the office of the Town Attorney and the Planning Board, which will examine the relationship of the lease to the HOA with regard to rights of use and access by the unit owners in and to the common property.
- [4] The developer shall convey unencumbered title to the common property in fee simple absolute to the HOA when the first unit is conveyed and shall send a copy of the recorded common property deed to the Planning Board, the office of the Town Attorney and the Assessor.
- [5] The developer shall relinquish control of the HOA to the unit owners no later than the earlier of three years after the conveyance of the first unit or after 50% of the units are conveyed.
- [6] The HOA shall not be dissolved.
- [7] The HOA shall not dispose of or convey any common property for any uses other than those specified in the approved planned unit development site plan and as amended.

(c) Planned unit development deed restrictions.

- [1] The developer shall, prior to final approval and as a condition thereof, designate common property. The common property shall consist of all land contained within the planned unit development which is not to be developed for residential units. Such areas shall include but not be limited to all roadways, recreation facilities, common accessways, buffer zones and open space areas within the planned unit development and shall be duly noted as such on the site plan map filed prior to site plan approval, which map shall also include a separate listing of all site plan approval conditions. The filed map shall be referred to by its filing number in the deed restriction and incorporated by reference therein.
- [2] As a future condition of approval, the Town Board shall require that any deed granted by the developer with respect to the residential units in the planned unit development shall contain a clause or clauses which create permanent rights of use and enjoyment in the designated common property and easements for the same which shall be appurtenant to each unit and benefit the owners thereof.
- [3] In addition, each deed granted by the developer shall contain a restrictive covenant, in recordable form satisfactory to the office of the Town Attorney, restricting the disposal or conveyance of the common property for any purpose other than those specified in the approved planned unit development site plan. The covenants as set forth above shall inure to the benefit of each individual purchaser of a residential unit within the planned unit development and shall further name the Town of Greenburgh as third-party beneficiary for enforcement purposes and shall prohibit the extinguishment of said covenants.
- [4] The Town's emergency maintenance rights in and to the common property as described in § 285-24B(2)(d) shall also be included in the deed restriction.
- [5] All mortgages, leases and similar encumbrances on the common property shall be subordinate to the deed restrictions and shall be reviewed by the office of the Town Attorney to assure that they are actually subordinate thereto. In order to facilitate this review, the developer shall submit a full title report on the premises to the office of the Town Attorney when the site plan application is submitted.
- [6] Prior to final site plan approval, the developer shall file a separate declaration of restrictions, thus encumbering the common property in the planned unit development coincident with final site plan approval and prior to any development thereon. In the event that the developer is a contract vendee for all or part of the site, such declaration of restrictions shall be filed simultaneously with the title closing on the site or part thereof.
- [7] The permanent rights of use and access and the restrictive covenants described herein shall run with the land, and no site plan shall be approved by

the Planning Board without the prior approval of the language and form of all documents describing such rights, covenants and restrictions by the office of the Town Attorney.

(d) Town's emergency maintenance rights.

[1] In the event that the HOA established to own and maintain common property, or any successor organization, shall at any time after establishment of the planned unit development fail to maintain the common property in reasonable order and condition in accordance with the plan, the Town of Greenburgh may serve written notice upon such organization or upon the residents and the owners of the planned unit development, setting forth the manner in which the organization has failed to maintain the common property in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing, the Town of Greenburgh may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said 30 days of any extension thereof, the Town, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common property from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners and accepted by the Town Board after public hearing thereon. Before the expiration of said year, the municipality shall, upon its initiative or upon request of the organization theretofore responsible for the maintenance of the common property, call a public hearing upon notice to such organization or to the residents and owners of the planned unit development to be held by the Town, at which hearing such organization or the residents and owners of the planned unit development shall show cause why such maintenance by the Town of Greenburgh shall not, at the election of the Town of Greenburgh, continue for the succeeding year. If the Town shall determine that such organization is ready and able to maintain said common property in reasonable condition, it shall cease to maintain said common property at the end of said year. If the Town shall determine such organization is not ready and able to maintain said common property, it may continue to maintain said property for the next succeeding year, subject to a similar hearing and determination in each year thereafter.

[2] The cost of such maintenance by the Town shall be assessed, equally, against the properties within the planned unit development that have a right to enjoyment of the common property and shall become a tax lien on said properties. The municipality, at the time of entering upon said common property for the purpose of maintenance, shall file a notice of such lien in the office of the County Clerk upon the properties affected by such lien within the

planned unit development.

[3] Subsection B(2)(d) shall be included in the planned unit development deed restriction.

[4] Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**

(3) Site and structure requirements.

- (a) Natural features, such as streams, rock outcrops, topsoil, trees and shrubs shall be preserved and incorporated in the landscaping of the development.
- (b) Where adequate surface drainage is not possible by grading alone, a supplementary drainage system, approved by the Town of Greenburgh, shall be required.
- (c) To improve the quality of the environment and to reduce inconvenience during bad weather, all electrical and telephone distribution lines shall be installed underground.
- (d) Minimum lot size or frontages, building dimensions, shape and location and maximum percentage of coverage are not specified herein. In reviewing any application for a planned unit development, the Planning Board shall be guided by standards set elsewhere in this chapter for comparable uses and by common good planning practice to the extent that the resulting development shall be compatible with the surroundings and to assure the stability of the uses proposed to be developed on the site.
- (e) No structure shall exceed 2 1/2 stories and 25 feet in height.
- (f) The right-of-way and pavement widths for internal roads shall be determined from sound planning and engineering standards to be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and police or emergency vehicles. The pavement of said roads shall be not less than 24 feet wide. All streets shall be subject to all other applicable Town ordinances.
- (g) The developer shall provide all necessary fire hydrants, refuse disposal facilities, water and sewer facilities, storm drainage, paved road access, paved parking and loading facilities and off-street lighting, making reasonable provision for utility service connections with adjoining properties in other ownerships.
- (h) Parking and loading areas, refuse disposal facilities and other accessory uses within the planned unit development shall be located so as to be compatible with nearby residential uses. Such uses shall be adequately screened and buffered where adjacent to residential development.
- (i) All utilities and drainage facilities shall be built to the satisfaction of the Town Engineer.
- (j) None of the other provisions of this chapter dealing with the requirements set forth

in Subsection B(3)(a) through (h) shall apply, but they may serve as a general guide to the Planning Board in its review of development plans.

- C. Performance guaranty. The Planning Board may require that public improvements, recreational facilities and landscaping be secured by a performance guaranty in the same manner as prescribed in the Town subdivision regulations. Utilities, drainage facilities and roadways shall also be subject to performance guaranties if the Planning Board makes a written determination that it will be in the public interest to do so.
- D. Application procedure and approval process.
- (1) Application for zoning change to PUD. Petition for a zoning change to permit a planned unit development shall be made to the Town Board of the Town of Greenburgh in accordance with Article IX of this chapter. The Town Board shall, upon receipt of said petition, refer the planned unit development request to the Planning Board for a report and recommendation in accordance with procedures as established in Subsection D(4) of this section.
 - (2) Application for sketch plan approval. In order to allow the Planning Board and the developer to reach an understanding on the basic design requirements, the developer shall submit a sketch plan of this proposal to said Board. The sketch plan shall be drawn to scale, though it need not be to the precision of a finished engineering drawing or a site plan. Said sketch plan shall include all items listed in Subsection D(2)(a) below:
 - (a) Once the number of dwellings has been determined pursuant to Subsection B(1)(e)[1], the developer shall submit the following sketch plan elements:
 - [1] The disposition of various land uses and the areas covered by each, in acres.
 - [2] The outline of the interior road system of all existing and proposed rights-of-way and easements, whether public or private.
 - [3] Delineation of the various residential areas, indicating the number of dwelling units and bedrooms by each housing type (one-family detached and semidetached, townhouse and garden apartments), plus a calculation of the net density, in dwelling units per acre, for each residential area.
 - [4] The interior common open space system and a statement as to how said system is to be preserved as such throughout the life of the planned unit development and how it is to be owned and maintained.
 - [5] An illustrative site plan, indicating the relationship between the proposed road system, parking lots, buildings and open spaces.
 - [6] The proposed water, storm and sanitary sewer systems and how they are proposed to be connected to the system of adjoining areas.
 - [7] Environmental characteristics of the planned unit development, including topography, areas of slope in excess of 20%, soils, rock outcrops, streams, swamps, lakes, ponds and other wetlands and all proposed alterations of said environmental characteristics.

- [8] Estimates of the school-age population supported by relevant criteria in the community, if available, or the county, and the possible allocation of school children to existing and any proposed schools.
- [9] Estimates of peak-hour traffic generation derived from the proposed development and its relation to surrounding development and its relation to surrounding roads and intersections, including methods developed for alleviating traffic problems.
- [10] If the development is to be staged, a clear indication of how the staging is to proceed. The sketch plan shall show each stage of development with the dates of anticipated commencement and completion of the same. The site plan shall set forth the finalized stages with dates.
- [11] Evidence of how the proposal would meet the official planning objectives of the Town of Greenburgh.
- (b) Every application for a planned unit development shall be accompanied by a fee as set forth in Chapter 230 of the Code of the Town of Greenburgh, Fees. The applicant shall also be required to bear the expense of any technical assistance which the Town deems necessary to assist in the review of technical aspects of the planned unit development up to a maximum of \$100 per acre of land within the planned unit development.
- (c) The Planning Board, with the assistance of the Town Department of Community Development and Conservation and Department of Public Works, shall review the sketch plan and all related documents and shall render either a favorable report to the Town Board or an unfavorable report to the Town Board and applicant. The Planning Board may, at its discretion, recommend conditions or improvements in the sketch plan for review by the Town Board in its decision as to the appropriateness of the rezoning request. The Planning Board may call upon the Westchester County Planning Department, the Soil Conservation Service and for any other technical assistance that it feels is necessary to provide a sound review of the proposal.
- (d) The Secretary to the Planning Board shall certify when all of the necessary application material has been presented, and the Planning Board shall submit its report within 90 days of such certification, unless, within such 90 days, the Planning Board shall determine that, by reason of complexity of the questions presented or like considerations, an additional period of time, not exceeding 30 days, is reasonably required for the proper disposition thereof. If no report has been rendered after 90 days or such additional period not exceeding 30 days, the applicant may proceed as if a favorable report were given to the Town Board.
- (e) A favorable report shall include a recommendation to the Town Board that a public hearing be held for the purpose of considering the desirability of rezoning the subject property in a Planned Unit Development District. The report shall be based on the following findings, which shall be included as part thereof:

- [1] The proposal meets all the general requirements of Subsection A;
 - [2] The proposal meets all the general requirements of Subsection B;
 - [3] The proposal is conceptually sound in that it meets a community need and it conforms to accepted design principles in the layout of the proposed functional roadway system, in the land use configuration, open space and drainage system and in the scale of the elements, both absolute and as they relate to one another;
 - [4] There are adequate public facilities, services, utilities and road access available in the construction of the development; and
 - [5] The impacts on the environment are either insignificant or will be minimized to acceptable levels.
- (f) An unfavorable report shall state clearly the reasons therefor and, if appropriate, point out to the applicant what might be necessary in order to receive a favorable report. The applicant may, within 10 days after receiving an unfavorable report, file an application with the Town for amendment of the Zoning Map to place the subject property in a Planned Unit Development District. The Town Board may then determine, on its own initiative, whether or not it wishes to call a public hearing.
- (3) Town Board action on the application for rezoning to a Planned Unit Development District.
- (a) Upon receipt of a favorable report from the Planning Board, or upon its own determination subsequent to an appeal from an unfavorable report, the Town Board shall set a date for and conduct a public hearing for the purpose of considering an amendment to the Zoning Map to place the subject property in a Planned Unit Development District. A public hearing shall be conducted within 45 days of the receipt of the favorable report or appeal from an unfavorable report.
 - (b) The Town Board shall refer the application to the Westchester County Planning Department for its analysis and recommendations. The Town Board may also refer the application to the Town Engineer, the Building Inspector, the Water Department, the Fire District, the Police Department, the Greenburgh Environmental Quality Control Commission and the State Department of Transportation (if the site plan shows frontage along a state highway) and any other local, state, county, regional and federal agencies having jurisdiction for their review. All reports shall be submitted within 30 days of the date of said referral.
 - (c) The Town Board shall approve or disapprove the application in accordance with the provisions of Article IX of this chapter.
 - (d) The Town Board, at its discretion, may attach any reasonable conditions on an approved planned unit development as necessary to assure conformance of the planned unit development with the intent and objectives of the planned unit development regulations, as specified in Subsection A of this section.

- (e) The approved planned unit development, with conditions, if any, shall be duly noted on the Zoning Map of the Town of Greenburgh, New York.
- (4) Conditions regarding planned unit development approval. The development of the planned unit development shall be conditional upon the following:
 - (a) Securing of site plan approval in accordance with the procedures set forth in Article VIII of this chapter.
 - (b) Compliance with all conditions and requirements as may be set forth by the Town Board in its granting the Planned Unit Development District.
 - (c) It shall be a condition of every granting of a Planned Unit Development District, whether stated or not, that if an application for site plan approval certified as complete by the Secretary to the Planning Board is not presented to the Planning Board for approval within six months of the date of approval of the planned unit development designation or if no development is initiated on the site within 12 months of the date of approval of the planned unit development site plan by the Planning Board, the zoning of said parcel shall revert back to the zoning of said parcel prior to its change to a planned unit development. This condition shall also apply to any planned unit development designation granted prior to the effective date of this section. **[Amended 5-8-1985]**
 - (d) Section III of the Land Subdivision Regulations¹⁰ of the Town of Greenburgh is hereby incorporated into this article, except where specifically contradicted by provisions herein.

§ 285-25. OB Office Building District.

- A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:
 - (1) Principal uses.
 - (a) Office buildings for business, governmental and professional uses, including administrative training, data processing, publication, financial and sales offices and related facilities in connection with such office uses, including retail or personal service uses that are specifically designed as accessory uses, such as but not limited to lunch counters, lunch stands, newsstands and barbershops, provided that said retail or personal service accessory use shall have no separate street frontage entrance and no exterior signs advertising said retail or personal service use. In addition, said accessory retail or personal service use shall not comprise more than 2% of the gross floor area of the office building to which it is accessory.
 - (b) Offices or agencies for scientific or technical development, including laboratories, libraries, administrative training, data processing, publication, financial offices and related facilities in connection with such uses, provided that:

10. Editor's Note: See Ch. 250, Subdivision Regulations.

- [1] No machinery or equipment shall be installed and no labor shall be engaged upon the premises for the manufacture, processing or assembly of goods or articles, except the manufacturing, processing or assembly of pilot prototype or experimental products in which the close supervision by scientific personnel of a permitted research laboratory is required.
 - [2] All mechanical and other apparatus and manual services employed in such use shall be devoted to scientific research and technical development of manufactured, processed or compounded products.
 - [3] No such process or operation shall involve the handling, storage or discharge of explosives. The use of any virus or other type of infectious organisms identified with diseases of animals or humans must be carried out in compliance with all county, state, federal, and/or other applicable regulations. **[Amended 2-10-2016 by L.L. No. 1-2016]**
 - [4] No manufacturing, processing or assembly of goods or articles of any kind for sale shall be permitted on the premises, except for the sale of pilot prototype or experimental products which are the result of the end product of scientific research, development or engineering.
 - [5] No offensive noise, gases, fumes, smoke, odors, dust or vibrations shall emanate from such use, and no waste products shall be discharged therefrom of a character to create a nuisance or to be injurious to health.
 - [6] The grounds and exterior of all buildings shall be kept and maintained in conformity with the prevailing standards of adjacent residential neighborhoods.
- (c) Telephone exchanges.
 - (d) Conference centers.
 - (e) Public utility structures and utility rights-of-way, excluding garages or storage yards. Electric substations shall not be permitted, except by special permit as provided for in § 285-10A(4) of this chapter. Antenna(s), where permitted, shall comply with the conditions set forth in § 285-37 of this chapter. **[Amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
 - (f) Detached dwellings as permitted and regulated in § 285-14 herein.
 - (g) Public parks, playgrounds or similar recreational areas owned or operated by a governmental authority. **[Added 7-8-1987 by L.L. No. 3-1987]**
 - (h) Firehouses, police stations or other public safety uses owned or operated by the Town of Greenburgh, Westchester County, or by any other governmental authority. **[Added 7-8-1987 by L.L. No. 3-1987]**
 - (i) Other municipal buildings or uses operated by the Town of Greenburgh. **[Added 7-8-1987 by L.L. No. 3-1987]**

- (j) Day-care centers, subject to the following: **[Added 10-25-1989 by L.L. No. 2-1989 ; amended 10-8-1997 by L.L. No. 10-1997]**
- [1] The application for site plan approval shall include a fully dimensioned diagram or floor plan showing planned occupancy or use of all areas, interior and exterior, to be utilized for day care, including exits, fire prevention measures, windows, doors, sanitary facilities, off-street parking and vehicular dropoff areas.
- [2] An appropriately fenced outdoor activity area providing adequate room for the size of the proposed day-care center shall be provided on site. If such outdoor area is not directly adjacent to the indoor area of the day-care center, a supervised crosswalk shall be provided between the two areas. A minimum distance shall be provided between any paved or impervious surface being a portion of such outdoor area and all lot lines, said minimum distance being equal to the minimum distance otherwise required between off-street parking areas and lot lines. A minimum distance of 10 feet shall be provided between all portions of such outdoor area and all off-street parking areas. A landscaped buffer area with a minimum width of 10 feet shall be provided between all portions of such outdoor area and all lot lines.
- [3] No portion of said day-care center shall be located in a basement which has more than 1/2 of its height, measured from floor to ceiling, below the average finished grade of the ground adjoining the building. **[Amended 5-22-2013 by L.L. No. 2-2013]**
- [4] All indoor areas used as a day-care center shall be provided with windows and adequate light and air.
- (k) Fully enclosed commercial recreation facilities consisting of 5,000 square feet of gross floor area, or less. **[Added 10-23-2019 by L.L. No. 2-2022]**
- (2) Special permit uses.
- (a) The cutting, processing, polishing and mounting of precious stones, including the incidental sale thereof on the premises.
- (b) The production, processing and assembly of small, light or microscopic or electronic parts, or precision instruments, in which the close supervision by scientific personnel of a permitted research laboratory is required, provided that such finished product shall not exceed standards of weight and bulk to be fixed by the Board of Appeals as appropriate to the particular site, subject to the following conditions:
- [1] Minimum lot area: 200,000 square feet.
- [2] Minimum lot width: 500 feet.
- [3] Maximum coverage:
- [a] Principal building: 20%.

- [b] Accessory buildings: 5%.
- [c] All buildings: 25%.
- [d] Impervious surfaces: 65%. **[Added 7-8-1987 by L.L. No. 3-1987]**
- [4] Minimum yards:
 - [a] Front: 250 feet.
 - [b] One side: 250 feet.
 - [c] Two sides: 500 feet.
 - [d] Rear: 250 feet.
 - [e] All yards must comply with § 285-39 of this chapter.
- [5] Maximum height: six stories, not to exceed 72 feet. **[Amended 7-8-1987 by L.L. No. 3-1987]**
- (c) Transient hotels, motels or automobile courts, provided that:
 - [1] There shall not be less than 3,000 square feet of lot area per rental sleeping room contained therein; except that a hotel with full elevator service may be constructed to a height of six stories and, if four stories or over, may be constructed on the basis of a minimum lot area of 1,500 square feet per rentable sleeping room in such hotel.
 - [2] Off-street parking space for each rentable room in a transient hotel or motel or automobile court shall be provided within 100 feet of the ground floor entrance nearest to such accommodations, and designated by the room number thereof; except that, in the case of an elevator hotel of four or more stories, such distance may be extended to 300 feet.
 - [3] Said hotel, motel or automobile court shall be set back not less than 75 feet from any street and not less than 50 feet from any other lot line.
 - [4] As accessory to any such hotel, motel or automobile court, there may be a restaurant within the principal structure, provided that there is an additional off-street parking area on the basis of one parking unit for each four seats of such restaurant.
- (d) Institutions for higher learning, including colleges, universities, junior colleges, technical schools, seminaries and convents, along with accompanying service and administration buildings, dormitories, fraternity and sorority houses and customary indoor and outdoor recreation facilities, such as playfields, gymnasiums and stadiums, subject to the following:
 - [1] The minimum lot area shall be 100 acres of contiguous land.
 - [2] No building, parking or loading area or recreation facility shall be nearer than

200 feet to any street or lot line.

[3] Each such recreation facility shall be operated primarily as an adjunct to some cultural, social or athletic activity of such institution of higher learning and not leased or otherwise operated primarily for the purpose of gain or profit.¹¹

- (3) Accessory uses. The following accessory uses, provided that none shall be within 150 feet of any lot line:
- (a) Restaurants and cafeterias, not including diners and similar facilities, for the use of executives, employees and visitors of the principal use.
 - (b) Lodgings for visitors of the principal use.
 - (c) Indoor and outdoor recreation facilities for the exclusive use of executives and employees of the principal use and their families.
 - (d) In-service training schools for employees of the principal use.
 - (e) Private garages for the storage and service of motor vehicles owned by the owner of the principal use or the executives or employees thereof, or visitors thereto, including the sale to them, but not to the public generally, of gasoline, oil and minor accessories.
 - (f) Central heating and power plants accessory to the principal use and the service of all structures on the premises.
 - (g) Storage facilities incidental to the principal use.
 - (h) Maintenance and utility shops incidental to the principal use.
 - (i) Off-street parking and loading. Said areas shall not be nearer than 50 feet to any lot line or street and, if generally adjacent to any street or any residence district, shall be suitably screened by a landscaped strip of at least 15 feet in width containing a shrubbery screen complying with all requirements set forth in § 285-38 of this chapter. **[Amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
 - (j) Accessory signs, subject to the applicable provisions of the Sign and Illumination Law of the Town of Greenburgh.¹²
 - (k) Other customary accessory uses incidental to the principal use on the site.
 - (l) Antennas subject to the conditions set forth in § 285-37 of this chapter. **[Added 11-14-1984 ; amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
 - (m) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of

11. Editor's Note: Former Subsection A(2)(e), regarding self-storage, which immediately followed, was repealed 2-12-2020 pursuant to L.L. No. 2-2020 .

12. Editor's Note: See Ch. 240, Sign and Illumination Law.

this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**

- (4) Uses under special permit by Town Board. **[Amended 7-8-1987 by L.L. No. 3-1987 ; 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997 ; 10-2-2001 by L.L. No. 13-2001 ; 8-17-2005 by L.L. No. 3-2005 ; 12-14-2005 by L.L. No. 6-2005 ; 11-9-2015 by L.L. No. 14-2015 ; 11-14-2018 by L.L. No. 13-2018 ; 9-11-2019 by L.L. No. 4-2019]**
- (a) Hotel on a lot of 15 acres or more, provided that the proposed site shall meet all the following criteria:
- [1] The site must adjoin a federally designated interstate highway with a common property line of at least 300 feet.
 - [2] The site must be located within 1/3 mile of a full interchange between a federally designated interstate highway and a state or federal highway, measured from the point where the center line of any ramp which is part of said interchange meets the state or federal highway right-of-way to any point where the site has frontage on said state or federal highway.
 - [3] No point of the site shall be within 250 feet of the nearest point of any residential zoning district, excluding residentially zoned land within the right-of-way of a state or federal highway or federally designated interstate highway or an aqueduct right-of-way owned by a governmental entity.
 - [4] The site must have a minimum frontage of 500 feet on a four-lane or larger state or federal highway which continues as a four-lane or larger highway to the interstate interchange.
- (b) In approving any special permit the Town Board shall find that the proposed use shall:
- [1] Be reasonably necessary for the public health or general interest or welfare;
 - [2] Be of such character, intensity, size and location that, in general, it will be in harmony with the orderly development of the area in which the property concerned is situated and will not be detrimental to the orderly development of adjacent areas;
 - [3] Be located so that it may be adequately serviced by transportation facilities, water supply, waste disposal, fire and police protection, drainage facilities and similar services;
 - [4] Not create pedestrian or vehicular traffic hazards because of its location in relation to surrounding uses, necessity of turning movements in relation to its access to public roads and intersections or its location in relation to other buildings or potential buildings on or near the site and traffic patterns from such buildings; and
 - [5] Not include any display of signs, noise, fumes or lights that will hinder normal development of the area or impair the use, enjoyment and value of adjacent

land and buildings.

(c) Accessory uses may include:

[1] Meeting rooms; banquet facilities; restaurants, bars, cafes, bakeries, or cabarets for on- or off-premises consumption of food and beverages or either of them; boutiques; travel services; barbershops; newspaper stands; open or enclosed swimming pools; open or enclosed tennis courts; platform tennis, paddleball courts and other court games; putting greens; tot-lots; playgrounds; health clubs; off-street parking areas or structures; off-street loading areas and convention facilities. In no case shall sleeping rooms contain cooking facilities. All such accessory uses, except for parking, loading and permitted recreation facilities, shall be located within the principal structure and have internal access thereto. The total floor area for accessory uses required to be located within the principal structure shall not exceed 2,500 square feet per acre of site.

(d) Lot and building limitation for uses permitted in Subsection A(4) shall be as follows:

[1] Maximum coverage:

[a] Principal building: 18%.

[b] Accessory buildings: 4.5%.

[c] All buildings: 22.5%.

[d] Impervious surfaces: 65%.

[2] The minimum lot area shall be 1,150 square feet for each rentable sleeping room.

[3] The maximum height of principal structures, excluding elevator and mechanical equipment penthouses, shall not exceed 10 stories and shall not exceed 110 feet above the average grade of the site at the point where the site adjoins a federal or state highway which gives access to the property. The maximum height of elevator and mechanical equipment penthouses shall not exceed 25 feet above roof level and shall not exceed in area 10% of the area of the roof upon which it is located. The maximum height of accessory structures shall be three stories, not to exceed 45 feet.

[4] The minimum front yard setback shall be 125 feet. No part of a principal building taller than three stories shall be located closer than 250 feet to the front property line.

[5] Minimum setback from all side and rear yards for principal buildings shall be 150 feet, except where said yards adjoin a federally designated interstate highway, in which case the minimum yards shall be 50 feet. For accessory buildings, the minimum side or rear yard setback shall be 40 feet, plus one foot for each two feet of accessory building height in excess of 25 feet.

However, to the extent where said side or rear yard for an accessory structure adjoins an interstate highway, the required minimum side or rear yard shall be 10 feet. No accessory building shall be placed in any required front yard.

[6] Minimum setback for all off-street parking units and loading areas shall be as follows:

[a] From the front lot line: 40 feet. No circulation driveways other than those permitting access to the site shall be permitted within such setback area.

[b] From the side or rear lot line: 25 feet, except that, where berms or other appropriate landscaping are provided, the required setback for parking areas from side or rear lot lines may be reduced to 10 feet by the Town Board as part of the special permit, and where such side or rear lines adjoin a federally designated interstate highway, the minimum setback shall be 10 feet.

(e) Required parking for all principal and accessory uses shall be computed as follows:

[1] The minimum parking required shall be 80% of the sum of the following:

[a] One per guest room.

[b] One per three employees.

[c] One per 75 square feet of banquet and meeting space and other similar uses.

[d] One per 300 square feet of retail space.

[e] One per four dining room/bar seats or one per 100 square feet of restaurant, bar and cabaret area, whichever requirement is greater.

[f] Three per tennis court, platform tennis or paddleball court or other court facility.

[2] However, in no case shall the total required parking be less than one per guest room plus one per 100 square feet of floor area in a bar/restaurant, plus 10 basic.

[3] Required parking spaces shall be nine feet wide and 20 feet long and shall be provided upon the same lot as the use to which they are accessory, except that required parking spaces may be provided by utilizing, on a shared-use basis, parking facilities, including required parking for office buildings, situated on one or more adjacent lots, provided that agreements, satisfactory to the Town Attorney, assure the continued existence of such shared-use parking to serve such hotel uses as long as they may exist. In no event shall such agreements for shared parking be terminated without the consent of the Town and unless the premises will provide parking facilities for its own use in accordance with all requirements of this section. In no event shall such parking and loading spaces be located in any residence district.

- (f) Off-street loading. One loading unit 15 feet wide by 45 feet long shall be provided for each 15,000 square feet of restaurant, service, banquet and meeting room space. No loading area shall be located within required front yards or driveways or blocking access to any required parking space.
- (g) Signs. The size, location, design and illumination of all signs shall be subject to the approval of the Town Board as part of the special permit application and shall be subject to all applicable conditions and requirements set forth in Chapter 240 of the Town Code of the Town of Greenburgh.
- (h) Town Board special permit procedure.

[1] Application for a special permit.

[a] All applications for special permits shall be submitted to the Town Board, in writing, on forms prescribed by the Town Board. Said application shall be accompanied by a site plan for the proposed development, containing the information set forth in Article VIII thereof. The Town Board may also require the submittal of any other pertinent information as may be necessary to determine and provide for the proper consideration of the application for a special permit.

[b] Such application shall be referred to the Planning Board for its written report prior to action by the Town Board. The Planning Board shall submit its report and recommendation to the Town Board not more than 60 days after the first meeting of the Planning Board held subsequent to such referral unless, within such 60 days, such proposal shall be withdrawn or amended or the Planning Board shall determine that, by reason of the complexity of the questions presented or like considerations, an additional period of time, not exceeding 30 days, is reasonably required for the proper disposition thereof. If the Planning Board shall not have submitted its report and recommendation within such 60 days or such additional period of time not exceeding 30 days, the Town Board, in its discretion, may proceed to final consideration of the proposal as though the Planning Board had recommended approval of the proposal.

[2] Public hearing required. A public hearing on an application for a special permit shall be scheduled and conducted by the Town Board within 60 days after receipt of a written report from the Planning Board. If the Planning Board shall fail to transmit its report and recommendation within the required 60 days or within the additional period of time, if so granted by the Town Board, then, in such event, the Town Board shall hold a public hearing within 60 days from the expiration of such period of time. To the extent possible, such public hearing shall take place at the same time as any other public hearing required to be held by the Town Board in regard to the proposed development. Notice of such public hearing shall be published in the official newspaper of the Town at least 10 days prior to such public hearing. The cost of such notice shall be borne by the applicant.

- [3] Action by the Town Board. Within 45 days of the date on which a public hearing is closed, the Town Board shall, by resolution, act to approve, disapprove or approve with conditions said application and shall specify what conditions, if any, are necessary. Following approval by the Town Board of a special permit, building permits may be issued without the requirement of any further approval under Chapter 30¹³ and Article VIII et seq. of the Zoning Ordinance of the Town of Greenburgh.
- (i) Training facilities for professional athletic organizations, subject to the following:
- [1] The minimum lot area shall be 15 acres of contiguous land.
- [2] Each such training facility shall be operated for the exclusive use of the professional athletic organization and shall not be open to the public.
- [3] Accessory uses for professional athletic training facilities, including off-street parking and loading, and indoor facilities, such as locker rooms, equipment storage rooms, athletic and fitness rooms and facilities, media facilities, including television interview rooms, administrative offices for coaches and staff, medical facilities, swimming pools, dining areas and kitchens, mechanical and ice maintenance equipment, and other uses incidental to the principal uses.
- [4] For purposes of this use, the minimum distance from buildings to parking and loading areas shall be five feet.
- [5] In approving any special permit, the Town Board shall find that the proposed use shall:
- [a] Be reasonably necessary for the public health or general interest or welfare;
- [b] Be of such character, intensity, size and location that, in general, it will be in harmony with the orderly development of the area in which the property concerned is situated and will not be detrimental to the orderly development of adjacent areas;
- [c] Be located so that it may be adequately serviced by transportation facilities, water supply, waste disposal, fire and police protection, drainage facilities and similar services;
- [d] Not create pedestrian or vehicular traffic hazards because of its location in relation to surrounding uses, necessity of turning movements in relation to its access to public roads and intersections or its location in relation to other buildings or potential buildings on or near the site and traffic patterns from such buildings; and
- [e] Not include any display of signs, noise, fumes or lights that will hinder

13. Editor's Note: Former Ch. 30, Large Scale Development, adopted 2-13-1957, was repealed 5-11-1983.

normal development of the area or impair the use, enjoyment and value of adjacent land and buildings.

[6] Town Board special permit procedure.

[a] Application for a special permit.

[i] All applications for special permits shall be submitted to the Town Board, in writing, on forms prescribed by the Town Board. Said application shall be accompanied by a site plan for the proposed development containing the information set forth in Article VIII hereof. The Town Board may also require the submittal of any other pertinent information as may be necessary to determine and provide for the proper consideration of the application of a special permit.

[ii] Such application shall be referred to the Planning Board for its written report prior to action by the Town Board. The Planning Board shall submit its report and recommendation to the Town Board not more than 60 days after the first meeting of the Planning Board held subsequent to such referral unless, within such 60 days, such proposal shall be withdrawn or amended or the Planning Board shall determine that, by reason of the complexity of the questions presented or like considerations, an additional period of time, not exceeding 30 days, is reasonably required for the proper disposition thereof. If the Planning Board shall not have submitted its report and recommendation within such 60 days or such additional period of time not exceeding 30 days, the Town Board, in its discretion, may proceed to final consideration of the proposal as though the Planning Board has recommended approval of the proposal.

[b] Public hearing required. A public hearing on an application for a special permit shall be scheduled and conducted by the Town Board within 60 days after receipt of a written report from the Planning Board. If the Planning Board shall fail to transmit its report and recommendation within the required 60 days or within the additional period of time, if so granted by the Town Board, then, in such event, the Town Board shall hold a public hearing within 60 days from the expiration of such period of time. To the extent possible, such public hearing shall take place at the same time as any other public hearing required to be held by the Town Board in regard to the proposed development. Notice of such public hearing shall be published in the official newspaper of the Town at least 10 days prior to such public hearing. The cost of such notice shall be borne by the applicant.

[c] Action by the Town Board. Within 45 days of the date on which a public hearing is closed, the Town Board shall, by resolution, act to approve, disapprove or approve with conditions said application and shall specify what conditions, if any, are necessary. Following approval by the Town Board of a special permit, building permits may be issued without the

requirement of any further approval under Chapter 30¹⁴ and Article VIII et seq. of the Zoning Ordinance of the Town of Greenburgh.

(j) Clinic, dental or medical, subject to the following:

[1] General standards.

- [a] Each medical or dental clinic shall be reasonably necessary for the public health or general interest or welfare.
- [b] Each medical or dental clinic shall be of such character, intensity, size, height, location and site layout that, in general, it will be in harmony with the orderly development of the district in which the property concerned is situated and will not be detrimental to the orderly development of adjacent districts.
- [c] Each medical or dental clinic shall be so located in order to be adequately serviced by public transportation facilities, pedestrian walkways, water supply, waste disposal, fire, police and ambulance protection and similar services.
- [d] Each medical or dental clinic shall not create undue pedestrian or vehicular traffic hazards because of its location in relation to similar uses, or necessity of turning movements in relation to its access to public roads and intersections or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings.
- [e] Each medical or dental clinic shall not include the display of signs, noise, fumes, or lights that will hinder normal development of the district or impact the use, enjoyment and value of adjacent land and buildings.
- [f] Each medical or dental clinic shall not be hazardous to the neighborhood by reason of excessive traffic, assembly of persons or vehicles on the site, or proximity to travel routes or congregations of children or pedestrians.
- [g] Each medical or dental clinic shall provide a service, facility or convenience that contributes to the proper growth and development of the community and its general welfare. Considerations may include, but are not limited to, demographics, community need, service utilization patterns, conditions and access to the services to be provided and the epidemiology of diseases.

[2] Specific standards.

- [a] No such medical or dental clinic building shall be within 50 feet of a residential district.

14. Editor's Note: Former Ch. 30, Large Scale Development, adopted 2-13-1957, was repealed 5-11-1983.

- [b] Medical or dental clinics shall be suitably screened from adjoining residential districts with planted evergreen buffers of appropriate height, type, spacing and arrangement. Should such screening become diseased or dead, it shall be replaced within the next growing season.
 - [c] No such medical or dental clinic building shall be located within 400 feet of a school, day care center, children's camp, public park or park district.
- [3] Conditions. Upon finding that the general and specific standards set forth above have been fully met, the Town Board may grant a special permit for a medical or dental clinic. In so doing, the Town Board may impose any conditions that it may deem necessary to accomplish the reasonable application of such standards.
- [4] Town Board special permit procedure for medical or dental clinics:
- [a] Application for a special permit. All applications for a special use permit for medical or dental clinics shall be submitted to the Department of Community Development and Conservation, in writing. The application shall be accompanied by a layout plan, which indicates the location and design of all buildings and structures, parking and truck loading areas, and access drives thereto. Said layout plan shall also indicate the location and type of the general landscaping, evergreen screening, fencing, architectural treatment, egress and ingress, curbing, sidewalks, retaining walls and lighting to be provided so as to minimize its impact upon the immediate area. In the event that site plan approval is required pursuant Article VIII of this chapter, the special permit application shall include a site plan containing all matters required by Article VIII.
 - [b] Public hearing required.
 - [i] Unless extended by mutual consent of the applicant and Town Board, a public hearing on an application for a special permit for a medical or dental clinic shall be scheduled and conducted by the Town Board within 62 days after certification to the Town Board by the Commissioner of Community Development and Conservation of receipt of a properly completed application. To the extent possible, such public hearing shall take place at the same time as any other public hearing required to be held by the Town Board in regard to the proposed medical or dental clinic.
 - [ii] Notice of such public hearing shall be published in the official newspaper of the Town and mailed by the applicant to property owners within 500 feet of the perimeter of the subject property at least 10 days prior to such public hearing. Proof of such mailing shall be provided to the Town Clerk not less than five days before the public hearing is held. The cost of such notice shall be borne by the applicant.

- [c] Action by the Town Board.
 - [i] Unless extended by mutual consent of the applicant and Town Board, within 62 days of the date on which a public hearing is closed, the Town Board shall, by resolution, act to approve, disapprove or approve with conditions said application and shall specify what conditions, if any, are being imposed.
 - [ii] All Town Board actions on applications for special permits for medical or dental clinics shall be recorded on forms prescribed by the Town Board, shall fully set forth the findings of the Town Board upon which its action is based, and shall be filed in the office of the Town Clerk.
- (k) Fully enclosed stores for the retail sale of consumer merchandise, banks, dry-cleaning and hand laundry establishments, provided the dry-cleaning is not done on the premises, and fully enclosed restaurant use, not including cabaret use or quick-service or fast-food establishments, but in no event including outdoor counter service, drive-in service or curbside service, provided that service at tables on a covered or uncovered terrace or porch incidental to a permitted restaurant shall be permitted. The foregoing uses are subject to the following: **[Amended 2-12-2020 by L.L. No. 2-2020]**
 - [1] The minimum lot area shall be 15 acres of contiguous land.
 - [2] The site must adjoin a federally designated interstate highway with a common property line of at least 300 feet.
 - [3] The site must be located within one third of a mile of a full interchange between a federally designated interstate highway and a state or federal highway, measured from the point where the center line of any ramp which is part of said interchange meets the state or federal highway right-of-way to any point where the site has frontage on said state or federal highway.
 - [4] No point of the site shall be within 100 feet of the nearest point of any residential zoning district, excluding residentially zoned land within the right-of-way of a state or federal highway or federal highway or federally designated interstate highway or an aqueduct right-of-way owned by a governmental entity.
 - [5] The site must have a minimum frontage of 500 feet on a four-lane or larger state or federal highway which continues as a four-lane or larger highway to the interstate interchange.
 - [6] In approving any special permit, the Town Board shall find that the proposed use shall:
 - [a] Be of such character, intensity, size and location that, in general, it will be in harmony with the orderly development of the area in which the property concerned is situated, and will not be detrimental to the orderly

- development of adjacent areas;
- [b] Be located so that it may be adequately serviced by transportation facilities, water supply, waste disposal, fire and police protection, drainage facilities and similar services;
 - [c] Not create pedestrian or vehicular traffic hazards because of its location in relation to surrounding uses, necessity of turning movements in relation to its access to public roads and intersections or its location in relation to other buildings or potential buildings on or near the site and traffic patterns from such buildings; and
 - [d] Not include any display of signs, noise, fumes or lights that will hinder normal development of the area or impair the use, enjoyment and value of adjacent land and buildings.
- [7] Lot and bulk requirements for the uses permitted in Subsection A(4)(k) shall be as set forth in Subsection B except as follows:
- [a] Minimum front yard: 100 feet.
 - [b] Minimum side yard:
 - [i] One side: 45 feet.
 - [ii] Two sides: 90 feet.
 - [c] Minimum rear yard: 30 feet.
 - [d] Minimum distance from detached accessory buildings or off-street parking areas to:
 - [i] Principal building: 10 feet.
 - [ii] Front lot line: 50 feet.
 - [iii] Side lot line: 10 feet.
- [8] Special permit procedure. Application for a special permit for the uses set forth in Subsection A(4)(k) shall be made in the manner and subject to the procedure set forth in Subsection A(4)(h).
- (l) Accessory use massage establishments, pursuant to the procedures and standards set forth in § 285-36T of this chapter and the following specific standards:
- [1] There shall be no separate exterior entrance for the accessory massage establishment.
 - [2] There shall be no exterior signs advertising the accessory massage establishment.
 - [3] Accessory massage establishments and accessory personal service establishments shall not comprise more than 2% of the gross floor area of the

office building.

(m) Self-Storage. **[Added 2-12-2020 by L.L. No. 2-2020]**

[1] In approving any special permit, the Town Board shall find that the proposed use shall:

- [a] Be reasonably necessary for the public health or general interest or welfare;
- [b] Be of such character, intensity, size and location that, in general, it will be in harmony with the orderly development of the area in which the property concerned is situated and will not be detrimental to the orderly development of adjacent areas;
- [c] Be located so that it may be adequately serviced by transportation facilities, water supply, waste disposal, fire and police protection, drainage facilities and similar services;
- [d] Not create pedestrian or vehicular traffic hazards because of its location in relation to surrounding uses, necessity of turning movements in relation to its access to public roads and intersections or its location in relation to other buildings or potential buildings on or near the site and traffic patterns from such buildings; and
- [e] Not include any display of signs, noise, fumes or lights that will hinder normal development of the area or impair the use, enjoyment and value of adjacent land and buildings.

[2] The Town Board special permit procedure for this use shall be consistent with the procedures set forth in § 285-25A(4)(h).

(5) Uses under special permit by the Planning Board.

- (a) Fully enclosed commercial recreation facilities, consisting of greater than 5,000 of gross floor area or greater, provided that when the use is proposed in a multitenant building or a multi-use site, the applicant shall demonstrate to the satisfaction of the Planning Board that adequate available peak-time parking vacancies exist. **[Added 7-11-2018 by L.L. No. 7-2022 ; amended 10-23-2019 by L.L. No. 2-2022]**
- (b) Battery energy storage systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**

B. Lot and bulk requirements shall be as follows:

- (1) Minimum lot area: 80,000 square feet, unless otherwise specified.
- (2) Minimum lot width: 300 feet, unless otherwise specified.
- (3) Maximum FAR: 0.30. **[Amended 7-8-1987 by L.L. No. 3-1987]**

- (4) Maximum coverage, unless otherwise specified:
 - (a) Principal building: 18%.
 - (b) Accessory buildings: 4.5%.
 - (c) All buildings: 22.5%.
 - (d) Impervious surfaces: 65%. **[Added 7-8-1987 by L.L. No. 3-1987]**
- (5) Minimum yards, unless otherwise specified:
 - (a) Front: 150 feet, except that no front yard building setback shall be required with respect to a building or structure which shall bridge a public highway in order to connect or integrate buildings located on two parcels of land under common ownership and separated by said highway, provided that no part of such building or structure within 150 feet of any street shall be less than 600 feet from the nearest side line of the parcel, the supporting columns for said building or structure shall be set back not less than 25 feet from the right-of-way of said public highway or any proposed public highway shown on the site plan and the right-of-way for said public highway, or any public highway proposed on a site plan, shall be in all cases at least 100 feet wide, and the lowest part of said building or structure shall have a minimum clearance above the existing or proposed highway of not less than 16 feet. **[Amended 10-2-2001 by L.L. No. 13-2001 ; 1-12-2005 by L.L. No. 1-2005]**
 - (b) One side: 150 feet.
 - (c) Two sides: 300 feet.
 - (d) Rear: 150 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
- (6) Minimum distance from detached accessory buildings or off-street parking areas to:
 - (a) Principal building: 25 feet.
 - (b) Front lot line: 50 feet.
 - (c) Side lot line: 50 feet.
 - (d) Rear lot line: 50 feet.
- (7) Maximum height, unless otherwise specified: six stories, not to exceed 75 feet. **[Amended 7-8-1987 by L.L. No. 5-1987]**

§ 285-26. OB-1 Office Building District.

- A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:
 - (1) Principal uses. Any principal use permitted in an Office Building (OB) District.

- (2) Special permit uses: **[Added 8-17-2005 by L.L. No. 3-2005¹⁵]**
 - (a) Clinic, dental or medical, pursuant to the procedures and standards set forth in § 285-25A(4)(j) of this chapter.
 - (3) Accessory uses.
 - (a) Off-street parking and loading. Said areas shall not be nearer than 15 feet to any lot line or street.
 - (b) Accessory signs, subject to the applicable provisions of the Sign and Illumination Law of the Town of Greenburgh.¹⁶
 - (c) Other customary accessory uses incidental to the principal use on the site.
 - (d) Antennas, subject to the conditions set forth in § 285-37 of this chapter. **[Added 11-14-1984 ; amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
 - (e) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
 - (4) Uses under special permit by Town Board. **[Added 11-9-2015 by L.L. No. 14-2015]**
 - (a) Accessory use massage establishments, pursuant to the procedures and standards set forth in § 285-36T of this chapter and the following specific standards:
 - [1] There shall be no separate exterior entrance for the accessory massage establishment.
 - [2] There shall be no exterior signs advertising the accessory massage establishment.
 - [3] Accessory massage establishments and accessory personal service establishments shall not comprise more than 2% of the gross floor area of the office building.
- B. Lot and bulk requirements shall be as follows:
- (1) Minimum lot area: 40,000 square feet, unless otherwise specified.
 - (2) Minimum lot width: 150 feet, unless otherwise specified.
 - (3) Maximum FAR: 0.30. **[Amended 7-8-1987 by L.L. No. 3-1987]**
 - (4) Maximum coverage, unless otherwise specified:
 - (a) Principal building: 20%.
 - (b) Accessory building: 5%.

15. Editor's Note: This local law also redesignated former Subsection A(2) as Subsection A(3).

16. Editor's Note: See Ch. 240, Sign and Illumination Law.

- (c) All buildings: 25%.
- (d) Impervious surfaces: 65%. **[Added 7-8-1987 by L.L. No. 3-1987]**
- (5) Minimum yards, unless otherwise specified:
 - (a) Front: 40 feet.
 - (b) One side: 20 feet.
 - (c) Two sides: 40 feet.
 - (d) Rear: 50 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
- (6) Minimum distance from detached accessory buildings or off-street parking areas to:
 - (a) Principal building: 10 feet.
 - (b) Front lot line: 10 feet.
 - (c) Side lot line: 10 feet.
 - (d) Rear lot line: 10 feet.
- (7) Maximum height, unless otherwise specified: three stories, not to exceed 40 feet. **[Amended 7-8-1987 by L.L. No. 3-1987]**

§ 285-27. LOB Limited Office Building District.

A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:

- (1) Principal uses.
 - (a) Office buildings for business, professional or banking uses, including administrative, training, data processing, publication, financial and sales offices, and showroom uses and related facilities in connection with such office use. The first floor of such building may be used for the sale of goods at retail or for the performance of customary personal services or services clearly incidental to retail sales, provided that:
 - [1] The area of the first floor so used shall not exceed 25% of the total floor area of the building, exclusive of the basement area thereof.
 - [2] No fabrication, manufacturing, converting, altering, finishing or assembly shall be permitted therein.
 - [3] Under no circumstance shall a massage establishment be permitted without a special use permit from the Town Board, pursuant to the procedures and standards set forth in § 285-36T of this chapter. **[Added 11-9-2015 by L.L. No. 14-2015]**

- (b) Agencies for scientific research or technical development, including research laboratories, libraries, administrative, training, statistical data processing, publication, financial offices and other facilities incidental to such scientific research or technical development, except that no building used for such purpose shall be less than 50 feet from the boundary of any one-family residence district, and provided that:
- [1] No machinery or equipment shall be installed and no labor shall be engaged upon the premises for the manufacture, processing or assembly of pilot prototype or experimental products of goods or articles except the manufacturing, processing or assembly in which the close supervision by scientific personnel of a permitted research laboratory is required.
 - [2] All mechanical and other apparatus and manual services employed in such use shall be devoted to scientific research and technical development of manufactured, processed or compounded products.
 - [3] No such process or operation shall involve the handling, storage or discharge of explosives. The use of any virus or other type of infectious organisms identified with diseases of animals or humans must be carried out in compliance with all county, state, federal, and/or other applicable regulations. **[Amended 2-10-2016 by L.L. No. 3-2016]**
 - [4] No manufacturing, processing or assembly of goods or articles of any kind for sale shall be permitted on the premises, except for the sale of pilot prototype or experimental products which are the result of or the end product of scientific research, development or engineering.
 - [5] No offensive noises, gases, fumes, smoke, odors, dust or vibrations shall emanate from such use, and no waste products shall be discharged therefrom of a character to create a nuisance or to be injurious to health.
 - [6] The grounds and exterior of all buildings shall be kept and maintained in conformity with the prevailing standards of adjacent residential neighborhoods.
- (c) Telephone exchanges.
- (d) Museums, art galleries (but not public auction rooms), libraries or other cultural center.
- (e) Churches, religious schools, community centers, social clubs, lodges, civic clubs or similar nonprofit recreational centers.
- (f) Art, business or vocational schools, including dancing, music and instrumental music and schools. Such uses shall be located within a totally enclosed, fully soundproofed building. **[Amended 6-13-2018 by L.L. No. 7-2018]**
- (g) Post offices.
- (h) Public utility structures and utility rights-of-way, excluding garages or storage

yards. Electric substations shall not be permitted, except by special permit as provided for in § 285-10A(4) of this chapter. Antenna(s), where permitted, shall comply with the conditions set forth in § 285-37 of this chapter. **[Amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**

- (i) Detached dwellings as permitted and regulated in § 285-14 herein.
- (j) Public parks, playgrounds or similar recreational areas owned or operated by a governmental authority. **[Added 7-8-1987 by L.L. No. 3-1987]**
- (k) Firehouses, police stations or other public safety uses owned or operated by the Town of Greenburgh, Westchester County or by any other governmental authority. **[Added 7-8-1987 by L.L. No. 3-1987]**
- (l) Other municipal buildings or uses operated by the Town of Greenburgh. **[Added 7-8-1987 by L.L. No. 3-1987]**
- (m) Day-care centers, subject to the following: **[Added 10-25-1989 by L.L. No. 2-1989 ; amended 10-8-1997 by L.L. No. 10-1997]**

[1] The application for site plan approval shall include a fully dimensioned diagram or floor plan showing planned occupancy or use of all areas, interior and exterior, to be utilized for day care, including exits, fire prevention measures, windows, doors, sanitary facilities, off-street parking and vehicular dropoff areas.

[2] An appropriately fenced outdoor activity area providing adequate room for the size of the proposed day-care center shall be provided on site. If such outdoor area is not directly adjacent to the indoor area of the day-care center, a supervised crosswalk shall be provided between the two areas. A minimum distance shall be provided between any paved or impervious surface being a portion of such outdoor area and all lot lines, said minimum distance being equal to the minimum distance otherwise required between off-street parking areas and lot lines. A minimum distance of 10 feet shall be provided between all portions of such outdoor area and all off-street parking areas. A landscaped buffer area with a minimum width of 10 feet shall be provided between all portions of such outdoor area and all lot lines.

[3] No portion of said day-care center shall be located in a basement which has more than 1/2 of its height, measured from floor to ceiling, below the average finished grade of the ground adjoining the building. **[Amended 5-22-2013 by L.L. No. 2-2013]**

[4] All indoor areas used as a day-care center shall be provided with windows and adequate light and air.

- (n) Self-Storage. **[Added 9-12-2018 by L.L. No. 10-2018]**
- (o) Fully enclosed commercial recreation facilities consisting of 5,000 square feet of gross floor area, or less. **[Added 9-12-2018 by L.L. No. 10-2018 ; amended**

10-23-2019 by L.L. No. 2-2022]

- (2) Special permit uses.
- (a) Small animal hospitals, provided that:
- [1] All operations, including runways, shall be within a totally enclosed, fully soundproofed, mechanically ventilated or air-conditioned building.
- [2] All operations shall be conducted and the structure maintained in such a manner that they are not offensive, obnoxious or detrimental to adjoining properties by reason of noises or odors.
- [3] Permitted operations shall not include the boarding of animals or the operation of a kennel, except that the boarding of animals related to a course of medical treatment shall be permitted during the period of such treatment.
- (b) Clinic, dental or medical, pursuant to the procedure and standards set forth in § 285-25A(4)(j) of this chapter. **[Added 8-17-2005 by L.L. No. 3-2005]**
- (3) Accessory uses.
- (a) Off-street parking and loading.
- (b) Restaurants, cafeterias and lunchrooms (not including diners and similar facilities) for the use of executives, employees and visitors of the principal uses, but excluding the general public.
- (c) In-service training schools for employees of the principal use.
- (d) Private garages for the storage and service of motor vehicles owned by the owner of the principal use or the executives or employees thereof, or visitors thereto, including the sale, but not to the public generally, of gasoline, oil and minor accessories.
- (e) Central heating and power plants accessory to the principal use and the service of all structures on the premises.
- (f) Fully enclosed storage facilities incidental to the principal use.
- (g) Maintenance and utility shops incidental to the principal use.
- (h) Accessory signs, subject to the applicable provisions of the Sign and Illumination Law of the Town of Greenburgh.¹⁷
- (i) Trash compactors, subject to the requirements of § 285-36 of this chapter.
- (j) Other customarily accessory uses incidental to the principal use on the site.
- (k) Antennas, subject to the conditions set forth in § 285-37 of this chapter. **[Added 11-14-1984 ; amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No.**

17. Editor's Note: See Ch. 240, Sign and Illumination Law.

6-1997]

- (1) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
 - (4) Uses under special permit by Town Board. **[Added 11-9-2015 by L.L. No. 14-2015]**
 - (a) Massage establishments, pursuant to the procedures and standards set forth in § 285-36T of this chapter and the following specific standards:
 - [1] The use shall be limited to the first floor.
 - [2] The area of the first floor so used shall not exceed 25% of the total floor area of the building, exclusive of the basement area thereof.
 - (5) Uses under special permit by Planning Board. **[Added 9-12-2018 by L.L. No. 10-2018]**
 - (a) Fully enclosed commercial recreation facilities, consisting of greater than 5,000 square feet of gross floor area or greater; provided that when the use is proposed in a multitenant building or a multi-use site, the applicant shall demonstrate to the satisfaction of the Planning Board that adequate available peak-time parking vacancies exist. **[Amended 10-23-2019 by L.L. No. 2-2022]**
 - (b) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
- B. Lot and bulk requirements shall be as follows:
- (1) Minimum lot area: 20,000 square feet, unless otherwise specified.
 - (2) Minimum lot width: 100 feet, unless otherwise specified.
 - (3) Maximum FAR: 0.30. **[Amended 7-8-1987 by L.L. No. 3-1987]**
 - (4) Maximum coverage:
 - (a) All buildings: 30%.
 - (b) Impervious surfaces: 65%. **[Added 7-8-1987 by L.L. No. 3-1987]**
 - (5) Minimum yards, unless otherwise specified:
 - (a) Front: 25 feet.
 - (b) One side: 20 feet.
 - (c) Two sides: 40 feet.
 - (d) Rear: 50 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
 - (6) Minimum distance from off-street parking areas to:

- (a) Principal building: 10 feet.
 - (b) Front lot line: 15 feet.
 - (c) Side lot line: 10 feet.
 - (d) Rear lot line: 10 feet.
- (7) Maximum height: four stories, not to exceed 55 feet. **[Amended 7-8-1987 by L.L. No. 3-1987]**

§ 285-28. DS Designed Shopping District.

- A. Statement of purpose and intent. The Designed Shopping District is intended to provide for a mix of commercial, office and related uses in its locations along the Town's mixed-use corridors and its locations at several high-volume intersections in the Town. **[Added 7-13-2022 by L.L. No. 6-2022 ¹⁸]**
- B. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to, unless otherwise provided in this chapter, except for the following uses:
- (1) Principal uses, commercial. **[Amended 7-8-1987 by L.L. No. 3-1987 ; 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997 ; 7-11-2018 by L.L. No. 7-2022 ; 10-23-2019 by L.L. No. 2-2022 ; 7-13-2022 by L.L. No. 6-2022]**
 - (a) Fully enclosed stores for the retail sale of consumer merchandise; fully enclosed personal service establishments, such as but not limited to barbershops, beauty parlors, shoe repair shops and similar uses, where such service is provided on the premises, and banks, provided that:
 - [1] No fabrication, manufacturing, converting, altering, finishing or assembly shall be permitted therein, except such which may be incidental to such retail sale or personal service use, provided that said incidental operation is not offensive, obnoxious or detrimental to the surrounding area by reason of noise, gases, fumes, smoke, odor, dust or vibrations.
 - [2] There shall not be permitted therein a public garage, gasoline station, car washing establishment, motel, hotel, automobile court, tourist home, rooming house, furnished room house, boardinghouse, assembly hall, dance hall, storage, warehousing or wholesale establishment.
 - (b) Theaters or cinemas, either freestanding or as part of a retail development, other than the drive-in type, provided that the minimum lot size shall be 120,000 square feet.
 - (c) Dry-cleaning and hand laundry establishments, provided that dry cleaning is not done on the premises.
 - (d) Telephone exchanges.

18. Editor's Note: This local law also redesignated former Subsection A and B as Subsection B and C, respectively.

- (e) The retail sale and accessory storage and display of garden materials, plants and supplies, including nursery-type operations.
 - (f) Adult day-care centers.
 - (g) Fully enclosed commercial recreation facilities consisting of 5,000 square feet of gross floor area, or less.
 - (h) Museums, art galleries (but not public auction rooms), libraries or other cultural center.
 - (i) Art, business or vocational schools, including dancing, music and instrumental music and schools. Such uses shall be located within a totally enclosed, fully soundproofed building.
 - (j) Public utility structures and utility rights-of-way, excluding garages or storage yards. Antenna(s), where permitted, shall comply with the conditions set forth in § 285-37 of this chapter.
 - (k) Detached dwellings as permitted and regulated in § 285-14 herein.
 - (l) Public parks, playgrounds or similar recreational areas owned or operated by a governmental authority.
 - (m) Firehouses, police stations or other public safety uses owned or operated by the Town of Greenburgh, Westchester County, or by any other governmental authority.
 - (n) Other municipal buildings or uses operated by the Town of Greenburgh.
- (2) Principal uses. office. **[Added 7-13-2022 by L.L. No. 6-2022 ¹⁹]**
- (a) Office buildings for business, governmental and professional uses, including administrative, training, data processing, publication, financial and sales offices and related facilities in connection with such office uses, including retail or personal service uses that are specifically designed as accessory uses, such as but not limited to lunch counters, lunch stands, newsstands and barbershops, provided that said retail or personal service accessory use shall have no separate street frontage entrance and no exterior signs advertising said retail or personal service use. In addition, said accessory retail or personal service use shall not comprise more than 0.5% of the gross floor area of the office building to which it is accessory. If the accessory use is a massage establishment, a special use permit shall be required pursuant to the procedures and standards set forth in § 285-36T of this chapter.
 - (b) Offices or agencies for scientific research or technical development, including laboratories, libraries and administrative, training, data processing, publication and related facilities in connection with such uses, provided that:

19. Editor's Note: This local law also redesignated former Subsection B(2) through (4) as Subsection B(3) through (5)

- [1] No machinery or equipment shall be installed and no labor shall be engaged upon the premises for the manufacture, processing or assembly of goods or articles, except the manufacturing, processing or assembly of prototype or experimental products in which the close supervision by scientific personnel of a permitted research laboratory is required.
 - [2] All mechanical and other apparatus and manual services employed in such use shall be devoted to scientific research and technical development of manufactured, processed or compounded products.
 - [3] No such process or operation shall involve the handling, storage or discharge of explosives. The use of any virus or other type of infectious organisms identified with diseases of animals or humans must be carried out in compliance with all county, state, federal, and/or other applicable regulations.
 - [4] No manufacturing, processing or assembly of goods or articles of any kind for sale shall be permitted on the premises, except for the sale of prototype or experimental products which are the result of or the end product of scientific research, development or engineering.
 - [5] No offensive noises, gases, fumes, smoke, odors, dust or vibrations shall emanate from such use, and no waste products of such character as to create a nuisance or to be injurious to health or safety shall be discharged therefrom.
 - [6] Related retail and personal service accessory uses, such as but not limited to lunch counters, lunch stands, newsstands and barbershops, shall be permitted, subject to all conditions set forth for said uses in Subsection B(1)(a) above. Under no circumstance shall a massage establishment be permitted without a special use permit from the Town Board, pursuant to the procedures and standards set forth in § 285-36T of this chapter.
- (3) Special permit uses, Planning Board, subject to the general standards set forth in § 285-28B(3)(k) and procedures set forth in § 285-28B(3)(l). **[Amended 4-13-1983 ; 7-8-1987 by L.L. No. 3-1987 ; 10-23-2019 by L.L. No. 2-2022 ; 7-13-2022 by L.L. No. 6-2022]**
- (a) Fully enclosed commercial recreation facilities, consisting of greater than 5,000 square feet of gross floor area or greater; provided that when the use is proposed in a multitenant building or a multi-use site, the applicant shall demonstrate to the satisfaction of the Planning Board that adequate available peak-time parking vacancies exist.
 - (b) Funeral homes or undertaking establishments, provided that a minimum lot size shall be 40,000 square feet.
 - (c) Small animal hospitals, provided that:
 - [1] All operations, including runways, shall be within a totally enclosed, fully soundproofed, mechanically ventilated or air-conditioned building.

- [2] All operations shall be conducted and the structure maintained in such a manner that they are not offensive, obnoxious or detrimental to adjoining properties by reason of noises or odors.
- [3] Permitted operations shall not include the boarding of animals or the operating of a kennel, except that the boarding of animals related to a course of medical treatment shall be permitted during the period of such treatment.
- [4] The minimum lot size shall be 40,000 square feet.
- (d) Fully enclosed freestanding ice cream stands, provided that the minimum lot size shall be 20,000 square feet.
- (e) Fully enclosed quick-service or fast-food establishments, provided that:
 - [1] No such establishment shall be located nearer than 2,000 feet from another such establishment as measured from their property lines.
 - [2] Together with the special permit application, there shall be submitted preliminary approvals from the appropriate state, county and Town authority as to the following:
 - [a] Curb cut approval.
 - [b] Ingress and egress.
 - [c] Acceleration and/or deceleration lanes.
 - [d] Traffic signalization.
 - [e] Internal traffic flow.
 - [3] The applicant shall satisfy that:
 - [a] There will be sufficient security to prevent the use of the premises as a loitering place during hours of operation.
 - [b] There will be proper facilities and personnel for disposal of the trash and other debris of quick-service eating and drinking establishment.
 - [c] The minimum lot size shall be 80,000 square feet.
- (f) Fully enclosed restaurant use other than cabaret use, including service at tables on a covered or uncovered terrace or porch incidental to a permitted restaurant, provided that there is no increase in the total capacity, and further provided that:
 - [1] No such establishment shall be located nearer than 50 feet from a residential district line.
 - [2] Together with the special permit application, there shall be submitted preliminary approvals from the appropriate state, county and Town authority as to the following:

- [a] Curb cut approval.
 - [b] Ingress and egress.
 - [c] Acceleration and/or deceleration lanes.
 - [d] Traffic signalization.
 - [e] Internal traffic flow and adequacy of parking.
- [3] The applicant shall satisfy that:
- [a] There will be sufficient security to prevent the use of the premises as a loitering place during the hours of operation.
 - [b] There will be proper facilities and personnel for disposal of the trash and other debris of a restaurant.
- [4] All restaurants in operation and those restaurants for which site plan approval has been granted as of the effective date of this amendment are exempt from this special permit requirement. However, should there be any alteration to either an existing restaurant or one which has received site plan approval as of the effective date of this chapter, this exemption shall not apply.
- (g) Cabaret uses, provided that:
- [1] No such establishment shall be located nearer than 2,000 feet from another such establishment as measured from their property lines.
 - [2] Together with the application, there shall be submitted preliminary approvals from the appropriate state, county and Town authority as to the following:
 - [a] Curb cut approval.
 - [b] Ingress and egress.
 - [c] Acceleration and/or deceleration lanes.
 - [d] Traffic signalization.
 - [e] Internal traffic flow.
 - [3] The applicant shall satisfy that there shall be sufficient security to prevent the use of the premises as a loitering place during hours of operation.
 - [4] The applicant shall comply with all provisions of the Cabaret Law of the Town of Greenburgh, and the issuance of the special permit shall be conditional upon obtaining and continuing to hold a cabaret license from the Town of Greenburgh, New York.
 - [5] The minimum lot size shall be 120,000 square feet.
- (h) Motor vehicle sales uses and motor vehicle sales lots, subject to the standards,

conditions, procedures set forth in § 285-29.1B(5.1)(b)[9], substituting "the street or streets to which the property has frontage," for "Route 100 in the Central Avenue Mixed-Use Impact District."

(i) Child day-care centers, provided that:

- [1] A site plan acceptable to the Planning Board shall be submitted which meets all the requirements of this chapter.
- [2] The application for site plan approval shall include a fully dimensioned diagram or floor plan showing planned occupancy or use of all areas, interior and exterior, to be utilized for day care, including exits, fire prevention measures, windows, doors, sanitary facilities, off-street parking and vehicular dropoff areas. The diagram shall also indicate the shortest distance between the day-care center building and the nearest lot line of a residentially zoned parcel, and the shortest distance between the center building and the nearest residential building.
- [3] An appropriately fenced outdoor activity area providing adequate room for the size of the proposed day-care center shall be provided on site. If such outdoor area is not directly adjacent to the indoor area of the day-care center, a supervised crosswalk shall be provided between the two areas. A minimum distance shall be provided between any paved or impervious surface being a portion of such outdoor area and all lot lines, said minimum distance being equal to the minimum distance otherwise required between off-street parking areas and lot lines. A minimum distance of 10 feet shall be provided between all portions of such outdoor area and all off-street parking areas. A landscaped buffer area with a minimum width of 10 feet shall be provided between all portions of such outdoor area and all lot lines. Where the existing topography or landscaping provides adequate screening, the Planning Board may waive or modify the planting, landscape, and distance requirements of this chapter.
- [4] No portion of said day-care center shall be located in a basement which has more than 1/2 its height, measured from floor to ceiling, below the average finished grade of the ground adjoining the building.
- [5] All indoor areas used as a day-care center shall be provided with windows and adequate light and air.
- [6] Security measures shall be implemented which are sufficient to ensure that no unauthorized persons can gain access to the building and outdoor activity areas. Such measures shall be described in detail in the special permit application.
- [7] Pickup and dropoff protocols shall be implemented which are sufficient to ensure that all children are under direct supervision by appropriately trained staff members from the moment they leave the care of their parent or guardian until the moment they are returned to the care of their parent or guardian. Such protocols shall be described in detail in the special permit application.

- [8] All applicable requirements of the New York State Office of Children and Family Services, and the Building and Fire Codes of New York State, shall be strictly complied with. A special permit granted pursuant to this section shall be considered revoked immediately upon revocation of, or failure to maintain, any license or registration required by the Office of Children and Family Services.
- (j) Battery energy storage systems, subject to conditions set forth in § 285-37.1 of this chapter.
- (k) In approving any special permit, the Planning Board shall find that the proposed use meets the following general standards:
- [1] Be reasonably necessary for the public health or general interest or welfare;
- [2] Be of such character, intensity, size and location that, in general, it will be in harmony with the orderly development of the area in which the property concerned is situated and will not be detrimental to the orderly development of adjacent areas;
- [3] Be located so that it may be adequately serviced by transportation facilities, water supply, waste disposal, fire and police protection, drainage facilities and similar services;
- [4] Not create pedestrian or vehicular traffic hazards because of its location in relation to surrounding uses, necessity of turning movements in relation to its access to public roads and intersections or its location in relation to other buildings or potential buildings on or near the site and traffic patterns from such buildings; and
- [5] Not include any display of signs, noise, fumes or lights that will hinder normal development of the area or impair the use, enjoyment and value of adjacent land and buildings.
- (l) Planning Board special permit procedure.
- [1] Application for a special permit.
- [a] All applications for special permits shall be submitted to the Planning Board, in writing, on forms available from the Department of Community Development and Conservation. Said application shall be accompanied by a site plan for the proposed development containing the information set forth in Article VIII hereof. The Planning Board may also require the submittal of any other pertinent information as may be necessary to determine and provide for the proper consideration of the application of a special permit.
- [b] Public hearing required. A public hearing on an application for a special permit shall be scheduled and conducted by the Planning Board. To the extent possible, such public hearing shall take place at the same time as

any other public hearing required to be held by the Planning Board in regard to the proposed development. Notice of such public hearing shall be published in the official newspaper of the Town at least 10 days prior to such public hearing. The cost of such notice shall be borne by the applicant.

[c] Action by the Planning Board. Within 45 days of the date on which a public hearing is closed, the Planning Board shall act to approve, disapprove or approve with conditions said application and shall specify what conditions, if any, are necessary. Following approval by the Planning Board of a special permit, building permits may be issued without the requirement of any further approval under Article VIII et seq. of the Zoning Ordinance of the Town of Greenburgh.

(4) Accessory uses.

- (a) Off-street parking areas for private passenger vehicles of visitors, shoppers and employees of the principal use, but not for the storage of used or new vehicles for sale or hire.
- (b) Off-street loading areas for the delivery of goods to and from the principal use.
- (c) Garages for the storage only of commercial vehicles used for the delivery of goods purchased within the principal building or for the storage of cleaning and snow-removal equipment and material for the parking area used in connection with the principal use and only on that site, provided that it is located within the principal building.
- (d) Trash compactors, subject to the requirements of § 285-36 of this chapter.
- (e) Accessory signs, subject to the applicable provisions of the Sign and Illumination Law of the Town of Greenburgh.²⁰
- (f) Other customary accessory uses incidental to the principal use on the site.
- (g) Antennas, subject to the conditions set forth in § 285-37 of this chapter. **[Added 11-14-1984 ; amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
- (h) Detached canopies over bank drive-throughs, which may be located in the rear yard, provided that: **[Added 2-15-2011 by L.L. No. 1-2011]**

[1] Such canopy shall not be located nearer than 10 feet to the rear property line; and

[2] No signs shall be permitted on such canopy.²¹

(5) Uses under special permit by Town Board. **[Added 11-9-2015 by L.L. No. 14-2015]**

20. Editor's Note: See Ch. 240, Sign and Illumination Law.

21. Editor's Note: Former Subsection B(4)(i), added 8-11-2021 by L.L. No. 5-2021, regarding battery energy storage systems, was repealed 7-13-2022 by L.L. No. 6-2022.

- (a) Fully enclosed massage establishments, pursuant to the procedures and standards set forth in § 285-36T of this chapter.
- (b) Clinic, dental and medical office uses, pursuant to the procedures and standards set forth in § 285-25A(4)(j) of this chapter. **[Added 7-13-2022 by L.L. No. 6-2022]**²²

C. Lot and bulk requirements shall be as follows:

- (1) Minimum lot area: 10,000 square feet, unless otherwise specified.
- (2) Minimum lot width: 100 feet.
- (3) Maximum FAR: 0.30.
- (4) Maximum coverage of principal building, unless otherwise specified:
 - (a) All buildings:

Lot Size (square feet)	Maximum Coverage
10,000 to 40,000	30%
40,000 to 90,000	25%
90,000 or greater	20%

- (b) Impervious surfaces: 80%. **[Added 7-8-1987 by L.L. No. 3-1987]**
- (5) Minimum yards, unless otherwise specified:

Yard	Lots of 10,000 to 40,000 Square Feet (feet)	Lots of 40,000 to 90,000 Square Feet (feet)	Lots of 90,000 Square Feet or Greater (feet)
Front	20	30	40
1 side	15	40	45
2 sides	30	80	90
Rear	50	50	60

All yards must comply with § 285-39 of this chapter.

- (6) Minimum distance from off-street parking areas to:
 - (a) Principal building: 10 feet.
 - (b) Front lot line: 20 feet, unless otherwise specified.

22. Editor's Note: This local law also repealed former Subsection B(5), Uses under special permit by the Planning Board, added 8-11-2021 by L.L. No. 5-2021, which immediately followed this subsection.

- (c) Side lot line: 10 feet.
- (d) Rear lot line: 10 feet.
- (7) Maximum height: three stories, not to exceed 40 feet. **[Amended 7-8-1987 by L.L. No. 3-1987]**

§ 285-28.1. PED Planned Economic Development District. [Added 4-22-2015 by L.L. No. 3-2015]

A. Statement of intent and objectives.

- (1) It is the intent of the Planned Economic Development (PED) Zoning District to permit flexibility in the design and development of planned sites containing a group of diverse uses. The PED promotes economic and efficient use of land, consistent with the preparation and adoption of a Land Use Plan for the entire PED site. The PED District regulations are designed to give the developer knowledge of the general type of development permitted before the completion of a detailed design for every building or parcel, while providing the Town with assurances that the overall development will be satisfactorily planned and constructed within the framework of an overall Land Use Plan for the entire PED-zoned parcel.
- (2) In certain locations in the Town, the PED can be used to promote research and development (R&D) uses with an R&D Bonus. The Town Board shall have the discretion to approve R&D density bonuses in its review of each zoning application under PED, if applicable.

B. Standards and general requirements.

- (1) Eligibility standards.
 - (a) At the time of application for rezoning to the PED District, the PED development shall have a minimum of 100 contiguous acres. The minimum parcel area of 100 contiguous acres may be divided by a public street, provided that the area of the public street is not included as part of the one-hundred-acre minimum. The Town Board may, as a condition of rezoning, require that the internal streets or driveways of the PED development provide for the interconnection or for the possible future interconnection with the internal streets or driveways of adjacent parcels. Said acreage shall be in one ownership or in joint ownership at the time of application for PED zoning.
 - (b) Minimum Open Space within the overall PED development shall be 40% of the entire site area zoned PED.
 - (c) The principal access to the PED development shall be within 200 feet of, and have access to, a state or county right-of-way. Such access must be direct or via a side street and shall not be accessed by a circuitous route.
 - (d) A Land Use Plan for anticipated development for the PED development shall be submitted to the Town in accordance with the provisions of Subsection E of this

section for any requested PED development not so zoned as of the effective date of this chapter.

C. Permitted Uses. No building or premises shall be used and no building shall be erected, altered, or added to, unless otherwise provided in this chapter, except for the following uses:

(1) Principal uses.

- (a) Office buildings for business, governmental and professional uses, including administrative training, data processing, publication, financial and sales offices and related facilities in connection with such office uses.
- (b) Agencies for Scientific Research or Technical Development.
- (c) Research and Development (R&D).
- (d) Fully enclosed stores for the retail sale of consumer merchandise, fully enclosed personal service establishments, such as but not limited to barbershops, beauty parlors, shoe repair shops and similar uses where such service is provided on the premises. However, an automobile sales lot, motor vehicle salesroom, public garage, or car washing establishment shall not be permitted. Not more than one large format or big box type store shall be permitted in the PED development. If such store is in excess of 125,000 square feet it must have access to a highway with State jurisdiction.
- (e) Banks.
- (f) Restaurants and drinking establishments, including both freestanding restaurants and drinking establishments, and said uses that are part of other permitted uses.
- (g) Dry-cleaning and hand laundry establishments, provided that dry-cleaning is not done on premises.
- (h) Indoor and outdoor recreation facilities. **[Amended 10-23-2019 by L.L. No. 2-2022]**
- (i) Day-care centers subject to the conditions contained in § 285-25A(4)(b).
- (j) Public and private higher education and training facilities, including technical and business schools, not including dormitory facilities or other residential uses, and stadiums.
- (k) Hotels.
- (l) Conference centers.
- (m) Public utility structures and utility rights-of-way, excluding garages or storage yards.
- (n) Firehouses, police stations, or other public safety uses owned or operated by the Town of Greenburgh, Westchester County, or by any other governmental authority.

- (o) Other municipal buildings or uses operated by the Town of Greenburgh.
 - (p) Light manufacturing, processing, and assembly uses, pursuant to the provisions of § 285-34B(2)(a)[1], including uses that are consistent with the intent and purposes of R&D.
 - (q) Teaching hospitals.
- (2) Special permit uses.
- (a) Cabaret uses, pursuant to the procedures and standards set forth in § 285-28A(2)(g) of this chapter.
 - (b) Clinics, dental or medical offices, pursuant to the procedures and standards set forth in § 285-25A(4)(j) of the Zoning Ordinance.
 - (c) Alternative Energy Generation Facilities, as defined in the Zoning Ordinance, pursuant to the procedures and standards set forth in § 285-25A(4)(b).
- (3) Accessory uses may include:
- (a) Off-street parking areas for private passenger vehicles of visitors, shoppers, and employees of the principal use, but not for the storage of used or new vehicles for sale or hire.
 - (b) Off-street loading areas for the delivery of goods to and from the principal use.
 - (c) Garages for employees and visitors and/or for the storage of cleaning and snow-removal equipment and material for the parking area used in connection with the principal use and only on that site, provided that it is located within the principal building.
 - (d) Structured Parking. In the PED District, Structured Parking shall not be subject to the special permit procedures established in § 285-38A.
 - (e) Trash compactors, subject to the requirements of § 285-36 of the Zoning Ordinance.
 - (f) Accessory signs, subject to the applicable provisions of the Sign and Illumination Law of the Town of Greenburgh.²³
 - (g) Other customary accessory uses incidental to the principal use on the site.
 - (h) Detached canopies.
 - (i) Accessory uses to hotels, public and corporate meeting, conference and exposition centers may include: meeting rooms; banquet facilities; restaurants, bars or cabarets (subject to special permit procedures) for consumption of food and beverages or either of them on the premises; boutiques; travel services; barber shops; newspaper stands; open or enclosed swimming pools; open or enclosed

23. Editor's Note: See Ch. 240, Sign and Illumination Law, of the Town of Greenburgh Code.

tennis courts; platform tennis, paddle board courts and other court games; putting greens; tot-lots; playgrounds; health clubs; off-street parking areas or structures; off-street loading areas and convention facilities. All such accessory uses, except for parking, loading, and permitted recreation facilities, shall be located within the principal structure.

- (j) Antenna(s), subject to the conditions as set forth in § 285-37 of this chapter.
 - (k) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
- (4) Uses under special permit by Town Board. **[Added 11-9-2015 by L.L. No. 14-2015]**
- (a) Fully enclosed massage establishments, pursuant to the procedures and standards set forth in § 285-36T of this chapter.
 - (b) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
- (5) Uses under special permit by the Planning Board. **[Added 8-11-2021 by L.L. No. 5-2021]**
- (a) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter.
- D. Application procedure and approval process.
- (1) Application for zoning change to PED District. Petition for a zoning change to permit a Planned Economic Development (PED) shall be made to the Town Board of the Town of Greenburgh in accordance with Article IX of the Zoning Ordinance. The Town Board shall, upon receipt of said petition, refer the PED zoning request to the Planning Board for a report and recommendation in accordance with procedures as established in § 285-64B of the Zoning Ordinance.
 - (2) Application for Land Use Plan report approval. In order to allow the Town Board and the applicant to reach an understanding on basic land use and design requirements for the PED, the applicant shall submit a Land Use Plan report to said Board. The report shall include a Land Use Plan map indicating: the anticipated uses, site access, and type of site planning contemplated for the PED development, drawn to a suitable scale. Said plan shall include a delineation of the various use areas indicating the approximate floor area, open space, anticipated phasing, access points, and design considerations. It must be referred to the Planning Board for a recommendation and must be approved by the Town Board prior to the filing of a site plan application.
 - (a) An environmental report, prepared in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA), if required, shall include an Environmental Assessment Form (EAF Part 1, Part 2 and an Expanded Part 3 technical report), and/or an Environmental Impact Statement (EIS).
 - (b) If the applicant has submitted a Draft and Final Environmental Impact Statement, and if the Town Board has issued a Statement of SEQRA Findings, those Findings

shall be briefly summarized in the Land Use Plan submission.

E. Subsequent site plan process.

- (1) Subsequent to the mapping of a site to the PED District, the applicant shall be required to secure site plan approval for each phase of the development consistent with Article VIII, § 285-58 of the Zoning Ordinance of the Town of Greenburgh.
- (2) As part of site plan approval by the Town Board, the Town shall require a report and recommendation from the Planning Board.
- (3) If the site plan includes development in only a portion of a phase of development in the approved Land Use Plan, the applicant's site plan submission shall also include a conceptual plan map for the entire phase of development illustrating how the individual site plan addresses the approved Land Use Plan requirements and how the individual site plan relates to potential future developments within the phase. This conceptual plan map shall cover the entire phase of development in the approved Land Use Plan, thereby providing the context for the individual site plan. It shall be drawn to a scale of one inch equals 200 feet, clearly showing the following:
 - (a) General location of existing and proposed roadways.
 - (b) General location of proposed buildings, parking lots and/or structures, and buffer areas.
 - (c) Schematic water, stormwater and sanitary sewer systems.
 - (d) Proposed grading and erosion control concepts.
- (4) Following approval by the Town Board of a site plan, such a site may be apportioned into separately owned or leased parcels in accordance with the requirements of the Town of Greenburgh. Said apportionment shall be approved by the Town Attorney.
- (5) Any future subdivision proposals must comply with Chapter 250 of the Code of the Town of Greenburgh and specify how the conservation easement area and open space portions of the lot will be maintained.

F. Lot and bulk requirements for developments within the PED:

- (1) Maximum Floor Area Ratios (FAR): The maximum floor area ratio for any permitted or special permit non-R&D use shall be 0.3.
- (2) R&D Bonus: If the Town Board approves a site-specific R&D Bonus, a 0.6 FAR for R&D uses defined herein and provided that the parking required by the uses that increase the FAR above 0.3 are accommodated in structured parking (a permitted accessory use).
- (3) Maximum impervious area shall be 80% of the site area, excluding the preserved open space area.
- (4) For the purposes of this section, "external lot line" in a PED development shall mean those lot lines along the rights-of-way of a road of State or County jurisdiction upon

which a lot or parcel within the PED District abuts and those lot lines that establish and are coincident with the PED District boundary. "Internal lot line" shall mean those lot lines between lots or parcels of the same or different ownership, which lots or parcels are located wholly within the PED District and which lot lines are shown on the conceptual plan, and including those lot lines along the rights-of-way of streets other than those of state or county jurisdiction. "Internal Street" shall mean the right-of-way of a street that is located wholly within a PED District, which street may be of private or public ownership, but not including roads of State or County jurisdiction.

- (5) No parking area shall be provided within 25 feet of any external lot line or PED District boundary for the purposes of a landscaping buffer. No parking area shall be provided within 15 feet of any building.
- (6) All areas not used for buildings, circulation, parking, storage, maintenance, or utilities shall be suitably landscaped and maintained in good condition.
- (7) Suitable access for emergency vehicles shall be provided for all structures in the PED development.
- (8) The right-of-way and pavement widths for Internal Streets shall be adequate and sufficient in size, location, and design to accommodate the maximum traffic, parking, and loading needs and the access of firefighting equipment and police or emergency vehicles. The pavement of said streets shall be not less than 24 feet wide. All streets shall be subject to all other applicable Town ordinances.
- (9) Minimum yards for principal buildings:
 - (a) Front yard: 20 feet; Side yard: 20 feet; Rear yard: 20 feet from internal lot lines as defined herein; and
 - (b) Front yard: 25 feet; Side yard: 25 feet and Rear yard: 25 feet for external lot lines as defined herein.
- (10) Minimum parking requirements:
 - (a) Retail, personal service establishments, and massage establishments: one space per each 250 square feet of gross floor area. **[Amended 11-9-2015 by L.L. No. 14-2015]**
 - (b) Restaurant: one space per each 100 square feet of gross floor area, excluding nondining areas.
 - (c) Bank: one space per each 100 square feet of gross floor area, excluding nonpublic area.
 - (d) Hotel: As required in § 285-25A(4)(e).
 - (e) Public or corporate conference, meeting and exposition center: one space for each four seats in each classroom or seats in major assembly hall or one space for every 200 square feet, whichever is greater.

- (f) Day-care center: one for each staff member, plus one for each facility vehicle, plus one for each five facility children or clients.
 - (g) Professional office building other than medical or dental offices: one for each 300 square feet of gross floor area.
 - (h) Agency for scientific research or technical development/R&D: one for each 400 square feet of gross floor area.
 - (i) Other uses: As specified in the parking ratios provided in § 285-38, Subsection E, of the Zoning Ordinance.
 - (j) The use of shared parking, land-banked parking, and structured parking shall be encouraged. For purposes of the PED regulations, nonenclosed structured parking shall not be included as part of the maximum Floor Area Ratios or maximum coverage set forth herein.
 - (k) Required parking spaces may be provided on a shared-use basis in parking facilities, including structured parking, situated on one or more adjacent lots, provided that agreements, satisfactory to the Town Attorney, assure the continued existence of such shared-use parking to serve such uses as long as they may exist. In no event shall such agreements for shared parking be terminated without the consent of the Town and unless the premises will provide parking facilities for its own use in accordance with all requirements of this chapter.
- (11) Off-street loading: As specified in the requirements provided in § 285-38, Subsection F, of the Zoning Ordinance.
- (12) Building Height: Maximum height for structures in the PED shall be six stories, not to exceed 90 feet.

§ 285-29. (Reserved)²⁴

§ 285-29.1. CA Central Avenue Mixed-Use Impact District.

A. Statement of purpose and intent.

- (1) The Central Avenue Mixed-Use Impact (CA) District is based upon the objectives and findings of the Comprehensive Development Program for the Central Avenue Corridor, dated October 1976.
- (2) The principal intent of the Central Avenue Mixed-Use Impact (CA) District is to relate the maximum density of development permitted for the Central Avenue Corridor as a whole to the present traffic-carrying capacity of the road and its intersections as well as to future improvements which will increase the traffic-carrying capacity (including allowances for existing traffic, traffic generated from new development and other traffic affecting the Central Avenue Corridor) as well as to economic, environmental and other

24. Editor's Note: Former § 285-29, regarding the CA Central Avenue Mixed-Use Impact District, was redesignated as § 285-29.1 10-2-2001 by L.L. No. 13-2001.

impact factors.

- (3) The intent of the Central Avenue Mixed-Use Impact (CA) District is also to permit flexibility in the design and development of individual sites so that a mixture of various compatible types of land uses can be developed as multiple use developments at the discretion of the individual property owner. Thus, the external traffic impacts will be thereby reduced, and, therefore, an adjustment is made in the maximum intensity of development to account for this reduced impact.
 - (4) In addition to balancing the traffic-carrying capacity of the road with future development, the Central Avenue Mixed-Use Impact (CA) District also takes into account the relationships between land use intensity and municipal services required, education costs and resources, land values, existing development per acre and the visual and aesthetic implications of various uses.
- B. Permitted uses. No building or premises within the Central Avenue Mixed-Use Impact (CA) District shall be used and no building shall be erected or altered, unless otherwise provided in this District, except for the following uses:
- (1) Principal uses, Type I: office uses.
 - (a) Office buildings for business, governmental and professional uses, including administrative, training, data processing, publication, financial and sales offices and related facilities in connection with such office uses, including retail or personal service uses that are specifically designed as accessory uses, such as but not limited to lunch counters, lunch stands, newsstands and barbershops, provided that said retail or personal service accessory use shall have no separate street frontage entrance and no exterior signs advertising said retail or personal service use. In addition, said accessory retail or personal service use shall not comprise more than 0.5% of the gross floor area of the office building to which it is accessory. If the accessory use is a massage establishment, a special use permit shall be required pursuant to the procedures and standards set forth in § 285-36T of this chapter. **[Amended 11-9-2015 by L.L. No. 14-2015]**
 - (b) Offices or agencies for scientific research or technical development, including laboratories, libraries and administrative, training, data processing, publication and related facilities in connection with such uses, provided that:
 - [1] No machinery or equipment shall be installed and no labor shall be engaged upon the premises for the manufacture, processing or assembly of goods or articles, except the manufacturing, processing or assembly of prototype or experimental products in which the close supervision by scientific personnel of a permitted research laboratory is required.
 - [2] All mechanical and other apparatus and manual services employed in such use shall be devoted to scientific research and technical development of manufactured, processed or compounded products.
 - [3] No such process or operation shall involve the handling, storage or discharge of explosives. The use of any virus or other type of infectious organisms

identified with diseases of animals or humans must be carried out in compliance with all county, state, federal, and/or other applicable regulations. **[Amended 2-10-2016 by L.L. No. 3-2016]**

- [4] No manufacturing, processing or assembly of goods or articles of any kind for sale shall be permitted on the premises, except for the sale of prototype or experimental products which are the result of or the end product of scientific research, development or engineering.
 - [5] No offensive noises, gases, fumes, smoke, odors, dust or vibrations shall emanate from such use, and no waste products of such character as to create a nuisance or to be injurious to health or safety shall be discharged therefrom.
 - [6] Related retail and personal service accessory uses, such as but not limited to lunch counters, lunch stands, newsstands and barbershops, shall be permitted, subject to all conditions set forth for said uses in Subsection B(1)(a) above. Under no circumstance shall a massage establishment be permitted without a special use permit from the Town Board, pursuant to the procedures and standards set forth in § 285-36T of this chapter. **[Amended 11-9-2015 by L.L. No. 14-2015]**
- (c) Telephone exchanges.
 - (d) Conference centers.
 - (e) Post offices.
- (2) Principal uses, Type II: commercial uses.
- (a) Fully enclosed commercial establishments, including:
 - [1] Stores for the retail sale of consumer merchandise;
 - [2] Personal service establishments, such as but not limited to barbershops, beauty parlors, shoe repair shops or similar uses, where such service is provided on the premises; and
 - [3] Banks.
 - (b) Fully enclosed, freestanding laundry or dry-cleaning establishments.
 - (c) Fully enclosed, freestanding movie theaters or cinemas.
 - (d) The retail sale of plants and supplies, including nursery-type operations.
 - (e) Unified shopping center developments, including commercial establishments for the retail sale of consumer merchandise, personal service establishments, banks, laundry or dry-cleaning establishments, movie theaters or cinemas, retail sale of garden materials and supplies and ice cream stands. Restaurants, quick-service or fast-food establishments and cabarets shall be permitted in such unified shopping center developments, provided that said uses satisfy all conditions for such uses as set forth in this chapter, including securing a special permit from the Planning

Board. Massage establishments shall be permitted in unified shopping center developments, provided that said use satisfies all conditions for such use as set forth in this chapter, including securing a special permit from the Town Board pursuant to the procedures and standards set forth in § 285-36T of this chapter. **[Amended 4-13-1983 ; 11-9-2015 by L.L. No. 14-2015]**

- (f) Fully enclosed commercial recreation facilities consisting of 5,000 square feet of gross floor area, or less. **[Added 10-23-2019 by L.L. No. 2-2022]**
- (3) Principal uses, Type III: residential uses.
 - (a) Multifamily developments of not more than four stories in height shall be permitted at a maximum density of 35 bedrooms per acre, provided that:
 - [1] The minimum lot size for a multifamily development shall be two acres in single-use developments. In multiple-use developments containing multifamily development, a minimum of two acres of the site shall be utilized for multifamily development.
 - [2] The minimum average livable floor area for each dwelling unit in a multifamily dwelling shall be 750 square feet as required in § 285-39 of this chapter.
 - [3] Accessory uses in all multifamily developments shall comply with the applicable requirements in Subsection B(7) of this section, except that suitable open space shall be provided at a minimum of 75 square feet of suitable open space for each bedroom contained in the multifamily development, but not less than 150 square feet for each dwelling unit contained in said development.
 - [4] Off-street parking for multifamily developments may be located in any required yard, provided that the minimum distances set forth in Subsection C(3) are provided.
 - [5] A minimum distance equal to the average height of the principal buildings on the site at the point where said buildings are most closely proximate to each other shall be provided between all buildings on the site. **[Amended 4-8-1981]**
- (4) Principal uses, Type IV: public and quasi-public uses. Uses, such as but not limited to museums; art galleries; libraries; churches; public, private or religious schools which are accredited by the New York Board of Regents; cemeteries; and governmental uses.
- (5) Special permit uses.
 - (5.1) Planning Board, special permit uses Type II: commercial uses. A special permit shall be required from the Planning Board in accordance with the procedures set forth in Subsection G herein. Any such special permit use must comply with the general standards set forth below and the special standards enumerated in each subdivision applicable to the particular special permit use in the district specified. **[Amended**

4-13-1983 ; 8-17-2005 by L.L. No. 3-2005 ; 3-11-2015 by L.L. No. 2-2015]

(a) General standards.

- [1] Each special permit use shall be reasonably necessary for the public health or general interest or welfare.
- [2] Each special permit use shall be of such character, intensity, size and location that, in general, it will be in harmony with the orderly development of the district in which the property concerned is situated and will not be detrimental to the orderly development of adjacent districts.
- [3] Each special permit use shall be so located in order to be adequately serviced by transportation facilities, water supply, waste disposal, fire and police protection and similar services.
- [4] Each special permit use sought which adjoins or abuts a residence district shall be so located in the lot involved that it shall not impair the use, enjoyment and value of adjacent residential properties.
- [5] Each special permit use shall not create pedestrian or vehicular traffic hazards because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings.
- [6] Each special permit use shall not include the display of signs, noise, fumes or lights that will hinder normal development of the district or impair the use, enjoyment and value of adjacent land and buildings.

(b) Uses requiring special permit.

- [1] Fully enclosed commercial recreation facilities, consisting of greater than 5,000 square feet of gross floor area or greater; provided that when the use is proposed in a multitenant building or a multi-use site, the applicant shall demonstrate to the satisfaction of the Planning Board that adequate available peak-time parking vacancies exist. **[Amended 10-23-2019 by L.L. No. 2-2022]**
- [2] Fully enclosed freestanding funeral homes or undertaking establishments.
- [3] Fully enclosed freestanding animal hospitals, provided that:
 - [a] All operations, including runways, shall be within a totally enclosed, fully soundproofed, mechanically ventilated or air-conditioned building.
 - [b] All operations shall be conducted and the structure maintained in such a manner that they are not offensive, obnoxious or detrimental to adjoining properties by reason of noise or odors.
 - [c] Permitted operations shall not include the boarding of animals or the

operation of a kennel, except that the boarding of animals related to a course of medical treatment shall be permitted during the period of such treatment.

- [4] Fully enclosed quick-service or fast-food establishments, provided that:
- [a] No such establishment shall be located nearer than 2,000 feet to another such establishment as measured from their property lines.
 - [b] Together with the special permit application, there shall be submitted preliminary approvals from the appropriate state, county and Town authorities as to the following: curb cut approval; ingress and egress; acceleration and/or deceleration lanes; traffic signalization; internal traffic flow.
 - [c] The applicant shall satisfy the Planning Board that there will be sufficient security to prevent the use of the premises as a loitering place during hours of operation and that there will be proper facilities and personnel for disposal of the trash and other debris of a quick-service eating and drinking establishment.
- [5] Fully enclosed restaurant use, other than cabaret use, but in no event including diners or similar structures or outdoor counter service, drive-in or curb-service establishment. Such prohibitions shall not, however, prevent service at tables on a covered or uncovered terrace or porch incidental to a permitted restaurant, provided that there is no increase in the total capacity as approved by the Planning Board, and further provided that:
- [a] No such establishment shall be located nearer than 50 feet to a residential district line.
 - [b] Together with the special permit application, there shall be submitted preliminary approvals from the appropriate state, county and Town authorities as to the following: curb cut approval; ingress and egress; acceleration and/or deceleration lanes; traffic signalization; internal traffic flow and adequacy of parking.
 - [c] The applicant shall satisfy the Planning Board that there will be sufficient security to prevent the use of the premises as a loitering place during the hours of operation and that there will be proper facilities and personnel for disposal of the trash and other debris of a restaurant.
 - [d] All restaurants in operation and those restaurants for which site plan approval has been granted as of the effective date of this amendment are exempt from this special permit requirement. However, should there be any alteration to either an existing restaurant or one which has received site plan approval as of the effective date of this chapter, this exemption shall not apply.
- [6] Fully enclosed cabaret use, provided that:

- [a] No such establishment shall be located nearer than 2,000 feet to another such establishment, as measured from their property lines.
 - [b] Together with the application, there shall be submitted preliminary approvals from the appropriate state, county and Town authority as to the following: curb cut approval; ingress and egress; acceleration and/or deceleration lanes; traffic signalization; internal traffic flow.
 - [c] The applicant shall satisfy the Planning Board that there shall be sufficient security to prevent the use of the premises as a loitering place during hours of operation.
 - [d] The applicant shall comply with all provisions of the Cabaret Law²⁵ of the Town of Greenburgh, and the issuance of the special permit shall be conditional upon obtaining and continuing to hold a cabaret license from the Town of Greenburgh, New York.
- [7] Fully enclosed freestanding ice cream stands.
- [8] Child day-care centers, provided that:
- [a] A site plan acceptable to the Planning Board shall be submitted which meets all the requirements of this chapter.
 - [b] The application for site plan approval shall include a fully dimensioned diagram or floor plan showing planned occupancy or use of all areas, interior and exterior, to be utilized for day care, including exits, fire prevention measures, windows, doors, sanitary facilities, off-street parking and vehicular dropoff areas. The diagram shall also indicate the shortest distance between the day-care center building and the nearest lot line of a residentially zoned parcel, and the shortest distance between the center building and the nearest residential building.
 - [c] An appropriately fenced outdoor activity area providing adequate room for the size of the proposed day-care center shall be provided on site. If such outdoor area is not directly adjacent to the indoor area of the day-care center, a supervised crosswalk shall be provided between the two areas. A minimum distance shall be provided between any paved or impervious surface being a portion of such outdoor area and all lot lines, said minimum distance being equal to the minimum distance otherwise required between off-street parking areas and lot lines. A minimum distance of 10 feet shall be provided between all portions of such outdoor area and all off-street parking areas. A landscaped buffer area with a minimum width of 10 feet shall be provided between all portions of such outdoor area and all lot lines. Where the existing topography or landscaping provides adequate screening, the Planning Board may waive or modify the planting, landscape, and distance requirements of this

25. Editor's Note: See Ch. 330, Cabaret Law.

chapter.

- [d] No portion of said day-care center shall be located in a basement which has more than 1/2 its height, measured from floor to ceiling, below the average finished grade of the ground adjoining the building.
 - [e] All indoor areas used as a day-care center shall be provided with windows and adequate light and air.
 - [f] Security measures shall be implemented which are sufficient to ensure that no unauthorized persons can gain access to the building and outdoor activity areas. Such measures shall be described in detail in the special permit application.
 - [g] Pickup and dropoff protocols shall be implemented which are sufficient to ensure that all children are under direct supervision by appropriately trained staff members from the moment they leave the care of their parent or guardian until the moment they are returned to the care of their parent or guardian. Such protocols shall be described in detail in the special permit application.
 - [h] All applicable requirements of the New York State Office of Children and Family Services, and the Building and Fire Codes of New York State, shall be strictly complied with. A special permit granted pursuant to this section shall be considered revoked immediately upon revocation of, or failure to maintain, any license or registration required by the Office of Children and Family Services.
- [9] Type II commercial uses: motor vehicle sales uses and motor vehicle sales lots, subject to the following: **[Added 12-6-2015 by L.L. No. 16-2015]**
- [a] Standards.
 - [i] Minimum lot size: 40,000 square feet.
 - [ii] Maximum height: 2 1/2 stories, not to exceed 30 feet.
 - [iii] Maximum floor area ratio: 0.35.
 - [iv] Parking requirement: one parking space per 200 square feet of indoor retail sales area of the motor vehicle sales use.
 - [v] The motor vehicle sales use and motor vehicle sales lot shall be suitably screened from adjoining residential districts and other neighboring uses with landscaping amenities along the site's frontage, including, but not limited to, planted evergreen buffers of appropriate height, type, spacing and arrangement, shrubs and bushes, or fencing approved by the Planning Board. Should such vegetative screening become diseased, dying or dead, it shall be replaced by the next growing season. Landscaping shall comply with § 285-29.1D.

- [vi] The owner/operator of the motor vehicle sales use and motor vehicle sales lot shall provide evidence that all existing sidewalks abutting the property are in good condition and remain unobstructed. The sidewalks shall be maintained to the satisfaction of the Commissioner of the Department of Public Works and/or in accordance with NYSDOT standards. Where sidewalks in these locations do not exist, new sidewalks must be designed and installed in connection with the applicable Department of Public Works and/or NYSDOT approval process.
 - [vii] All repair work must be done within a totally enclosed building.
 - [viii] The outdoor storage of motor vehicles is limited to new motor vehicles for sale on the premises and used motor vehicles acquired as trade-ins or purchases in connection with the sale of new motor vehicles. Plans submitted in support of the special permit shall depict the location of spaces for vehicles that are waiting to be serviced.
 - [ix] The accessory motor vehicle repair shop and motor vehicle storage shall continue so long as the sale of new motor vehicles continues and both are conducted under the same ownership as one enterprise.
 - [x] Off-site storage of motor vehicles may be allowed if such use is permitted in the off-site underlying zoning district and shall be subject to the applicable approval process.
 - [xi] An application for a special use permit pursuant to this section must include an offloading/loading plan detailing how inventory will be delivered to and picked up from the lot in a manner that will be in conformity with the New York State Vehicle and Traffic Law and not obstruct traffic on Route 100 in the Central Avenue Mixed-Use Impact District, adjacent streets or sidewalks.
- [b] Conditions. Upon finding that the standards set forth above have been fully met, the Planning Board shall grant a special use permit for a motor vehicle sales use and motor vehicle sales lot. In so doing, the Planning Board may impose any reasonable conditions that it deems necessary to achieve the standards set forth herein.
- [c] Planning Board special use permit procedure for a motor vehicle sales use and motor vehicle sales lot.
- [i] An application for a special use permit for a motor vehicle sales use and motor vehicle sales lot shall be submitted to the Department of Community Development and Conservation, in writing.
 - [A] The application shall include but not be limited to the following: the name and location of the motor vehicle sales use and motor vehicle sales lot; the name and address of the lot

owner; the name and address of the agent or manager who will operate the facility. A layout plan shall also be submitted indicating the location and the type of the general landscaping, evergreen screening or fencing, ingress and egress, curbing, sidewalks, retaining walls, and lighting provided so as to minimize its impact upon the immediate area. The application shall also include a site plan of the lot showing the location of the principal and any accessory buildings.

[B] In the event that site plan approval is required pursuant to Article VIII of this chapter, the special use permit application shall include a site plan containing all applicable matters required by Article VIII hereof.

[ii] Public hearing required.

[A] Unless extended by mutual consent of the applicant and the Planning Board, a public hearing on an application for a special use permit for a motor vehicle sales use and motor vehicle sales lot shall be scheduled and conducted by the Planning Board within 62 days after the certification by the Commissioner of Community Development and Conservation of receipt of a complete application. To the extent possible, such public hearing shall take place at the same time as any other public hearing required to be held by the Planning Board in regard to motor vehicle sales uses and motor vehicle sales lots.

[B] Notice of such public hearing shall be published in the official newspaper of the Town and mailed by the applicant to property owners within 500 feet of the perimeter of the subject property at least 10 days prior to such public hearing. Proof of such mailing shall be provided to the Town Clerk not less than five days before the public hearing is held. The cost of such notice shall be borne by the applicant.

[iii] Action of the Planning Board.

[A] Unless extended by mutual consent of the applicant and the Planning Board, within 62 days of the date on which a public hearing is closed, the Planning Board shall, by resolution, act on said application and shall specify what conditions, if any, are being imposed.

[B] All Planning Board actions on applications for special use permits for motor vehicle sales uses shall be recorded on forms prescribed by the Planning Board, shall fully set forth the vote and findings of the Planning Board and the materials upon which its action is based, and shall be filed in the office of the

Town Clerk.

- [iv] Special use permit time limit. A special use permit under this section for a particular site, once approved by the Planning Board, shall not expire unless the motor vehicle sales use and motor vehicle sales lot cease on the site.

[10] Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**

(5.2) Town Board special permit uses. **[Amended 4-25-2012 by L.L. No. 3-2012]**

- (a) Type I: office uses. Clinic, dental or medical, pursuant to the procedures and standards set forth in § 285-25A(4)(j) of this chapter.
- (b) Type II: commercial uses. Gasoline service station, subject to the following:

[1] All gasoline service stations in existence on January 1, 2008, located in the Central Avenue Mixed-Use Impact District can apply for a special use permit from the Town Board of the Town of Greenburgh within 180 days of the adoption of this law. If a property owner or entity chooses not to apply for the special permit within 180 days of the adoption of this law, then any gasoline service stations in existence on January 1, 2008, located in the Central Avenue Mixed-Use Impact District will remain a nonconforming use, subject to § 285-29.1H of the Town Code.

[2] General standards.

- [a] Each special permit use shall be of such character, intensity, size and location that, in general, it will be in harmony with the orderly development of the Central Avenue Mixed-Use Impact District in which the property concerned is situated and will not be detrimental to the orderly development of adjacent districts.
- [b] Each special permit use shall be harmonious with the district in which its location is sought, shall not create undue pedestrian or vehicular traffic hazards and shall not include any display of signs, noise, fumes or lights that will hinder normal development of the district or impair the use, enjoyment and value of adjacent land and buildings.
- [c] Each special permit use shall be so located in order to be adequately serviced by transportation facilities, water supply, waste disposal, fire and police protection and similar services.

[3] Specific standards.

- [a] Operation of a gasoline service station must satisfy the standards set forth in § 370-4 of the Town Code.
- [b] Maximum intensity and height: as indicated in Table I, Type Use II(a), Commercial.²⁶

- [c] Parking requirement: as set forth in § 285-38E, Industrial and heavy commercial uses, gasoline service station.
 - [d] The gasoline service station shall be suitably screened from adjoining residential districts and other neighboring uses and provide landscaping amenities along the site's frontage where feasible, with, including, but not limited to, planted evergreen buffers of appropriate height, type, spacing and arrangement, shrubs and bushes, or fencing approved by the Commissioner of Community Development and Conservation. Should such vegetative screening become diseased, dying or dead, it shall be replaced within the next growing season.
 - [e] The gasoline service station shall have or cause to have a sidewalk, approved by the Commissioner of the Department of Community Development and Conservation, along its frontage with Central Park Avenue, subject to the approval of the New York State Department of Transportation.
- [4] Conditions. Upon finding that the general and specific standards set forth above have been fully met, the Town Board may grant a special permit for a gasoline service station. In so doing, the Town Board may impose any conditions that it deems necessary to accomplish the reasonable application of such standards.
- [5] Town Board special permit procedure for gasoline service station:
- [a] Application for a special permit. All applications for a special use permit for a gasoline service station shall be submitted to the Department of Community Development and Conservation, in writing.
 - [i] The application shall include but not be limited to the following: the name and location of the station; the name and address of the lot owner; the name and address of the agent or manager who will operate the station; the name and address of the oil company which supplies the greatest percentage of petroleum products to the station; the number and type of petroleum fuel storage tanks; a detailed description of the types of business the station will transact; and the auxiliary fire-fighting apparatus available. A layout plan shall also be submitted indicating the location and type of the general landscaping, evergreen screening, fencing, architectural treatment, egress and ingress, curbing, sidewalks, retaining walls and lighting provided so as to minimize its impact upon the immediate area. The application shall also include a site plan of the lot showing the location of the principal and accessory buildings, fuel pumps, tire racks, paved areas, yard signs and fuel storage tanks.

- [ii] In the event that site plan approval is required pursuant to Article VIII of this chapter, the special permit application shall include a site plan containing all matters required by Article VIII hereof.
- [b] Public hearing required.
- [i] Unless extended by mutual consent of the applicant and Town Board, a public hearing on an initial application for a special permit for a gasoline service station shall be scheduled and conducted by the Town Board within 62 days after certification to the Town Board by the Commissioner of Community Development and Conservation of receipt of a complete application. To the extent possible, such public hearing shall take place at the same time as any other public hearing required to be held by the Town Board in regard to the gasoline service station.
 - [ii] Notice of such public hearing shall be published in the official newspaper of the Town and mailed by the applicant to property owners within 500 feet of the perimeter of the subject property at least 10 days prior to such public hearing. Proof of such mailing shall be provided to the Town Clerk not less than five days before the public hearing is held. The cost of such notice shall be borne by the applicant.
- [c] Action by the Town Board.
- [i] Unless extended by mutual consent of the applicant and Town Board, within 62 days of the date on which a public hearing is closed the Town Board shall, by resolution, act to approve, disapprove or approve with conditions said application and shall specify what conditions, if any, are being imposed. If a negative vote is not cast by a majority of all members of the Board, on a motion within 62 days of the date on which a public hearing is closed, the special permit is deemed granted.
 - [ii] All Town Board actions on applications for special permits for gasoline service stations shall be recorded on forms prescribed by the Town Board, shall fully set forth the vote and findings of the Town Board, and the materials upon which its action is based, and shall be filed in the office of the Town Clerk.
- [d] Gasoline service station renewal of permit.
- [i] After being granted a special use permit from the Town Board, no person or entity shall thereafter continue to maintain or operate a gasoline service station without renewing the annual gasoline service station operating permit from the Building Inspector. Permits shall be renewed pursuant to the provisions of § 370-4 of the Town Code.

- [ii] All annual gasoline service station operating permits shall expire on December 31 of every year.
- (c) (Reserved)²⁷
- (d) Massage establishments, subject to the procedures and standards set forth in § 285-36T of this chapter. **[Added 11-9-2015 by L.L. No. 14-2015]**
- (6) Multiple-use developments. Combinations of Type 1, Type II principal and special permit, Type III or Type IV uses may be developed, provided that in no event shall the gross floor area from any type comprise less than 25% of the gross floor area of said development, and further provided that in no event shall Type II principal or Type II special permit uses comprise more than 33% of the gross floor area of said development. For the purposes of this subsection, each dwelling unit in a multiple-use development shall be deemed to comprise 1,000 square feet of gross floor area. However, under no circumstances shall a Type III principal use be combined in the same building with a Type I, Type II or Type IV principal or special permit use.
- (a) Method of calculation. The site area required for each individual use permitted in a multiple-use development shall be calculated as follows:
- [1] For Type I, Type II principal and special permit and Type IV uses: Divide the amount of development desired for each specific use in the multiple-use development by the FAR as indicated in Subsection B(3) above. This calculation indicates the square footage of site area required for each use in the multiple-use development.
- [2] For Type III uses: Divide the number of bedrooms desired in the multiple-use development by the number of bedrooms permitted per acre as indicated in Subsection B(3) above. This calculation indicates the number of acres required for the residential use. The minimum acreage for the use shall be two acres.
- (7) Accessory uses.
- (a) The following accessory uses are permitted as incidental to the principal uses authorized by Subsection B(1).
- [1] Restaurants, cafeterias and lunchrooms, not including diners and similar facilities, for the use of executives, employees and visitors of the principal use, but excluding the general public, and provided that such accessory use is maintained within the principal building.
- [2] In-service training schools for employees of the principal use, provided that such training school is maintained within the principal building.
- [3] Private garage for the storage of private passenger vehicles used by

27. Editor's Note: Former Subsection B(5.1)(c), regarding motor vehicle sales uses and motor vehicle sales lots, added 10-22-2014 by L.L. No. 2-2014, was repealed 12-6-2015 by L.L. No. 16-2015. This local law also repealed former Subsection B(5.1)(d), added 8-19-2015 by L.L. No. 8-2015, regarding motor vehicle sales uses and motor vehicle sales lots.

executives, employees or visitors of the principal use, provided that such garage is located within the principal building.

- [4] Off-street parking area for private passenger vehicles used by executives, employees or visitors of the principal use.
 - [5] Off-street loading area for the delivery of goods to and from the principal use.
 - [6] Antennas, subject to the conditions set forth in § 285-37 of this chapter. **[Added 11-14-1984 ; amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
 - [7] Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
- (b) The following accessory uses are permitted as incidental to the principal uses authorized by Subsection B(2) and (5).
- [1] Off-street parking area for private passenger vehicles of visitors, shoppers and employees of the principal use.
 - [2] Off-street loading area for the delivery of goods to and from the principal use.
 - [3] Garage for the storage only of commercial vehicles used for the delivery of goods purchased within the principal use or for the storage of maintenance, cleaning and snow-removal equipment and material for the parking area used in connection with the principal use and only on that site, provided that it is located within the principal building.
 - [4] Antennas, subject to the conditions set forth in § 285-37 of this chapter. **[Added 11-14-1984 ; amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
 - [5] Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
- (c) The following accessory uses are permitted as incidental to the principal uses authorized by Subsection B(3).
- [1] A professional office or studio maintained and only permitted with the principal building and as permitted and limited in § 285-18A(3), except that no professional office or studio shall be above the ground floor.
 - [2] A private swimming pool as regulated in § 285-36; provided, however, that any such pool, wherever located on the premises, shall be completely enclosed by a security fence complying with all the requirements as set forth in § 285-36.
 - [3] Suitable open space in accordance with Subsection B(3).
 - [4] Roomers and boarders shall be prohibited except by special permit in detached single-family dwellings pursuant to the provisions of

§ 285-10A(2)(g).

- [5] Off-street parking area for private passenger vehicles of residents, visitors or employees of the principal use.
 - [6] Off-street loading area for the delivery of goods to and from the principal use.
 - [7] Private garage for private passenger vehicles of residents, visitors and employees of the principal use, located within or under the principal building to which it is accessory.
 - [8] Antennas, subject to the conditions set forth in § 285-37 of this chapter. **[Added 11-14-1984 ; amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
 - [9] Common dining, laundry, security and housekeeping facilities, principally for the use of residents, in conjunction with dwelling units occupied as independent living facilities. **[Added 10-14-1992 by L.L. No. 6-1992]**
 - [10] Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
- (d) The following accessory uses are permitted as incidental uses authorized by Subsection B(4):
- [1] Off-street parking areas for the private passenger vehicles of the officers, directors, members, visitors or employees of the principal use.
 - [2] Off-street loading area for the delivery of goods to or from the principal use.
 - [3] Antennas, subject to the conditions set forth in § 285-37 of this chapter. **[Added 11-14-1984 ; amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
 - [4] Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
- (e) For multiple-use developments, the accessory uses incidental to the principal uses (as set forth above) that comprise said multiple-use development.
- (8) Central Avenue facade and signage regulations. **[Added 9-25-1996 by L.L. No. 10-1996]**
- (a) Unified plan design. Any signage approved under this section must be in conformance with a unified facade, wall sign, landscape and yard sign plan, the "unified plan," for purposes of this chapter. All unified plans will be subject to provisions of Article VIII, Site Plan Approval, of the Greenburgh Zoning Code and will be subject to any other applicable regulations of the Town or other agencies with approval authority. The unified plan shall be a required component of any development application. The unified plan shall demonstrate the following criteria to the satisfaction of the Planning Board or, when meeting the criteria of the site

plan exemption provisions of § 285-56D, shall satisfy the signatory individuals that:

- [1] Building facades shall be in good repair. Individual building facades shall be coordinated in design and shall be complimentary to adjacent facades. The Planning Board may require other features, such as articulated rooflines, screening of rooftop or yard-located utilities or use of certain materials, as appropriate to achieve a harmonious relationship among facades on Central Avenue.
 - [2] Building wall signs shall be grouped in sign bands of uniform height, both above ground and within the sign bands. When some specific overall design objective is demonstrated which contributes to a more harmonious arrangement, these sign band regulations may be modified to accommodate approved designs.
 - [3] Landscaped areas along the street frontage must conform to all provisions of § 285-29.1D.
 - [4] Yard sign(s) shall be located only in front yard landscaped areas, with open sight lines for optimal viewing by passing motorists, and shall comply with the provisions of Subsection B(8)(b) below.
- (b) Yard sign design standards. The following design standards shall apply to all new yard signs in the Central Avenue Mixed-Use Impact District and shall supersede all conflicting provisions of Chapter 240:
- [1] All yard signs shall display, at the top of the sign, the building or business(es) address number, as appropriate. Addresses shall not be included in calculation of sign size.
 - [2] All sign lettering shall be a minimum of eight inches in height and shall have a minimum two-inch-letter-line width. Sign panels shall have uniformly colored backgrounds and shall be placed in an approved arrangement. In no event shall signs be allowed to interfere with necessary motor vehicle sight distances or to otherwise provide a distraction that may cause a negative impact on traffic safety.
 - [3] Yard signs shall not exceed 12 feet in height, above ground, by six feet in width, including posts. Sign panels shall have a minimum ground clearance of six feet. Exceptions for signs mounted at a lower height shall be made by the Planning Board only upon the recommendation of the Building Inspector, the Commissioner of Community Development and Conservation and the Town Engineer.
 - [4] No individual sign shall be greater than 30 square feet in size. Where the provisions of Chapter 240 allow a sign up to 50 square feet in area, said area shall be divided into two separate signs otherwise meeting all other provisions of this section.

(c) Unified shopping center signs. When the front yard facade of a building in a Unified Shopping Center on Central Avenue is 100 feet or more from the Central Avenue curblin and when that lot has a landscaped island of a minimum width of 20 feet separating it from the Avenue, the provisions of Chapter 240 may be modified to meet the following design standards:

- [1] All wall signs may be increased by 10% in area over otherwise allowable sizes.
- [2] The number and/or area of yard signs may be increased to accommodate separate name bands for each retail business which occupies 750 square feet or more and for each office use of 1,500 square feet or more of floor area.
- [3] When a building or shopping center advertises its name on a yard sign, in addition to the individual businesses, the building name shall not exceed in size twice that of any business when displayed on no more than one yard sign. When an approved unified plan yields more than one yard sign and the building or shopping center name is placed on more than one yard sign, said name shall be no more than 50% larger than that of any business. All new yard signs shall provide for three square feet of sign area, for individual businesses. No individual business name shall be placed on more than one yard sign. Business and building or shopping center names shall be aggregated onto the minimum possible number of yard signs.
- [4] No greater yard or wall sign area shall be allowed for buildings with only office uses from that area stipulated in Chapter 240.
- [5] When the total allowable yard sign area exceeds what would otherwise be allowed under Chapter 240, said area shall not exceed the total area resulting from the sum of all building and business name spaces as set forth in this subsection.

C. Lot and bulk requirements shall be as follows:

- (1) Maximum floor area ratios and maximum densities: as indicated in Table I.²⁸
- (2) Minimum yards:

	Lots of 50,000 Square Feet or Larger (feet)	Lots of Less Than 50,000 Square Feet (feet)
Front	80	40
Side	40	20
Rear	50	25

28. Editor's Note: Table I is included at the end of this chapter.

- (3) Minimum distance from detached accessory structure or use or off-street parking areas to:

	Lots of 50,000 Square Feet or Larger (feet)	Lots of Less Than 50,000 Square Feet (feet)
Principal building	10	10
Front lot line	20	20
Side lot line	20	10
Rear lot line	25	15

- (4) Maximum height: As indicated in Table I,²⁹ except that all multiple-use buildings combining Type I principal uses, Type II principal and special permit uses and/or Type IV principal uses shall have a maximum of four stories, not to exceed 48 feet. **[Amended 7-8-1987 by L.L. No. 3-1987]**

- (5) Off-street parking requirements, as indicated in Table I.³⁰

- (6) Off-street loading requirements, as indicated in Table II.³¹

- (7) Maximum coverage: **[Added 7-8-1987 by L.L. No. 3-1987]**

- (a) Impervious surfaces: 60%.

D. Required landscaping. The following landscaping requirements, in addition to those which may be required under Article VIII of the Zoning Ordinance, shall apply to all Central Avenue Mixed-Use Impact (CA) District properties:

- (1) All portions of improved properties which are not used for buildings, structures, off-street parking and loading, sidewalks, malls or similar purposes shall be appropriately landscaped with grass, shrubs, trees and other ground cover in such manner as to minimize erosion and stormwater runoff and harmoniously relate such uses to the character of the Town as a whole.

- (2) Landscape areas of a minimum of 10 feet in width shall be provided along all side and rear property lines. Such landscape areas shall comply with the following minimum standards as well as all applicable requirements set forth elsewhere in this chapter:

- (a) Landscape areas shall include evergreen planting, decorative fences, berms and other landscaping of such type, height, spacing and arrangement as, in the judgment of the Planning Board, will effectively screen the activity of the lot from neighboring uses.

29. Editor's Note: Table I is included at the end of this chapter.

30. Editor's Note: Table I is included at the end of this chapter.

31. Editor's Note: Table II is included at the end of this chapter.

- (b) A wall or fence of location, height, design and materials approved by the Planning Board may be required additionally or may be substituted for part or all of the required landscaping.
 - (c) Where the existing topography and/or existing landscaping provides adequate screening, the Planning Board may waive or modify the planting and/or landscape requirements of this chapter.
 - (3) Landscape areas a minimum of 20 feet in width shall be provided along all front property lines and street lines. Such landscape areas shall contain trees and/or either shrubs, at least 50% of which shall be evergreen, and/or decorative fencing materials, and/or earth berms and/or grass, and/or decorative ground covers, or decorative fencing materials, or decorative paving materials. In accordance with the Town of Greenburgh Landscaping and Screening Maintenance Ordinance, such landscaped areas shall be suitably maintained and kept free of rubbish at all times. Such landscaped areas shall be separated from parking areas by a curb not less than six inches in height or by a bumper guard approved as to type and construction by the Building Inspector.
 - (4) Unless specifically waived by the Planning Board, outdoor parking spaces shall be divided into subareas with raised and curbed landscaped islands separating each subarea so designed as to assure a smooth flow of traffic. Said islands shall be a minimum width of 10 feet and shall be suitably landscaped with trees, grass or other ground cover deemed appropriate by the Planning Board. In addition and unless specifically waived by the Planning Board, not more than 15 spaces in a single line shall be permitted without such a suitably landscaped curbed island.
 - (5) Required separation of residential and nonresidential uses. Any multiple-use development comprised of Type III residential uses and either Type I, Type II principal and special permit or Type IV nonresidential uses shall provide a suitable landscaped buffer area between said residential and nonresidential uses of not less than 50 feet. Said buffer shall comply with all applicable landscaping requirements set forth above.
- E. Prohibited uses. Any use not specifically set forth as a permitted use herein is prohibited, including but not limited to a public garage, gasoline service station other than those approved pursuant to § 285-29.1B(5.2)(b)[1], massage establishment other than the ones approved pursuant to § 285-29.1B(1)(a), (b)[6], (2)(e) or 5.2(d), massage parlor, car-washing establishment, tire store or repair auto parts store with installation, service or repair facilities on the premises, motel, hotel, automobile court, tourist home, rooming house, furnished room house, boardinghouse, storage, warehousing or wholesale establishment and the outdoor storage of maintenance, cleaning and snow-removal vehicles. **[Amended 4-25-2012 by L.L. No. 3-2012 ; 10-22-2014 by L.L. No. 2-2014 ; 8-19-2015 by L.L. No. 8-2015 ; 11-9-2015 by L.L. No. 14-2015 ; 12-6-2015 by L.L. No. 16-2015 ; 10-23-2019 by L.L. No. 2-2022]**
- F. Site plan approval. Development within the CA District shall be subject to the provisions of Article VIII of the Zoning Ordinance of the Town of Greenburgh, New York, and any other applicable statutes, laws and ordinances.
- G. Planning Board special permit procedure.

- (1) Applications for a special permit.
 - (a) All applications for special permit shall be submitted to the Secretary to the Planning Board, in writing, on forms prescribed by the Planning Board. Said application shall be accompanied by a site plan for the proposed development, and said site plan shall indicate the location and design of all buildings and structures, parking and truck-loading areas and access drives thereto, and existing and proposed grading at contour intervals of five feet or less. Said site plan shall also indicate the general landscaping, evergreen screening, fencing, architectural treatment, egress and ingress, curbing, sidewalks, retaining walls and lighting to be provided so as to minimize its impact upon the immediate area. The Planning Board may require the submittal of any other pertinent information as may be necessary to determine and provide for the proper consideration of the application for a special permit. An applicant may elect to submit, concurrently, applications for a special permit and for site plan approval.
 - (b) In the event that such a joint application is made, the site plan shall provide such information as is required under § 285-57C of this chapter.
- (2) Public hearing required.
 - (a) A public hearing on an application for a special permit shall be scheduled and conducted by the Planning Board within 45 days after certification to the Planning Board by the Secretary to the Planning Board of receipt of a properly completed application. To the extent possible, such public hearing shall take place at the same time as any other public hearing required to be held by the Planning Board in regard to the proposed development. Notice of such public hearing shall be published in the official newspaper of the Town and mailed to property owners within 500 feet of the perimeter of the subject property at least 10 days prior to such public hearing. The cost of such notice shall be borne by the applicant.
 - (b) Within 45 days of the date of which a public hearing is closed, the Planning Board shall, by resolution, act to approve, disapprove or approve with conditions, if any are necessary.
 - (c) All Planning Board actions on applications for special permits shall be recorded on forms prescribed by the Planning Board and shall fully set forth the circumstances of the case and the findings of the Planning Board upon which its action is based.
- (3) Conditions for issuance of permit. **[Added 3-11-2015 by L.L. No. 2-2015]**
 - (a) Upon finding that such general standards and any specific standards set forth in the special permit section of the CA District have been fully met, the Planning Board may grant such special permit, and in so doing may impose any conditions that it may deem necessary to accomplish the reasonable application of such standards.
 - (b) Said Board may require as a condition of the granting of any special permit that it shall be periodically renewed, or said Board may grant a temporary special permit subject to adequate guaranties that the use covered will be terminated at the end of the period specified or such extension thereof as may be granted by said Board,

provided that any such renewal or extension shall be subject to the same procedure as specified herein to the original granting of the special permit involved and in conformity with the aforesaid general and special standards.

H. Nonconforming buildings and uses in Central Avenue Mixed-Use Impact (CA) District. The following regulations shall apply to nonconforming buildings and uses in the Central Avenue Mixed-Use Impact (CA) District:

- (1) Definitions. For purposes of this section, a nonconforming use in the Central Avenue Mixed-Use Impact (CA) District shall be a use which does not conform to the requirements set forth herein respecting permitted uses. A nonconforming building shall be a building which does not conform to the requirements set forth herein respecting maximum floor area ratio or maximum density. In addition, a nonconforming use or building shall have lawfully existed prior to the adoption of this section as part of the Zoning Ordinance of the Town of Greenburgh, New York, and which use or building is maintained following the adoption of this section, although said use or building does not conform to the regulations of the Central Avenue Mixed-Use Impact (CA) District.
- (2) Conditions governing nonconforming buildings and uses in the Central Avenue Mixed-Use Impact (CA) District.
 - (a) Any nonconforming building shall not be enlarged beyond the exterior walls of said building or in any other manner that would increase said nonconformance.
 - (b) Any nonconforming building may be altered by interior modifications, provided that the altered building does not increase the degree of nonconformity with respect to the permitted floor area ratio, density and parking and loading requirements as set forth in Table I hereof.³²
 - (c) Any building in which a nonconforming use is maintained may be altered by interior modifications, provided that the interior modifications do not increase the intensity of the nonconforming use. The provisions of Subsection H(2)(b) and (c) above shall not apply to any alteration which may be required by order of the Building Inspector to strengthen or restore a building or structure, or any part thereof, to a safe condition.
 - (d) Any nonconforming use, if changed to another use which conforms to the permitted use provisions of this section, may not thereafter be changed back to a nonconforming use.
 - (e) Any nonconforming use shall not be changed to another nonconforming use.
 - (f) Any nonconforming use, if discontinued for causes other than fire or natural disaster for six months or longer, shall be deemed to be abandoned, and the nonconforming use shall not be resumed. Intent to resume a nonconforming use shall not confer the right to do so.
 - (g) Any building which is nonconforming or which contains a nonconforming use,

32. Editor's Note: Table I is included at the end of this chapter.

which is destroyed in whole or in part by fire or other natural disaster, may be repaired or reconstructed in a manner which does not increase the nonconformity of the building or use or which does not change the building to a different nonconforming use.

- (h) Massage establishments shall be required to obtain a special permit from the Town Board within four months of the date § 285-36T is enacted. **[Added 11-9-2015 by L.L. No. 14-2015]**
- (3) Repair and maintenance of nonconforming uses. Nothing in this section shall be deemed to prevent normal maintenance and repair, and nothing shall prevent the carrying out, upon issuance of a building permit, of major structural alterations or demolition of nonconforming buildings and uses if undertaken in the interest of public safety.

§ 285-29.2. HC Hartsdale Center District. [Added 9-25-2001 by L.L. No. 12-2001]

- A. Purpose and intent. The Hartsdale Center (HC) District is a commercial district intended to provide for a variety of intense commercial activities and services that serve persons in the immediate surrounding area as well as visitors to East Hartsdale Avenue. The purpose of this district is to promote improvements to the character and economic well-being of the hamlet through a well-balanced mix of uses, architectural guidelines, facade improvements, and safe conditions for pedestrians.
- B. Permitted uses. No building or premises shall be used, and no building shall be erected, altered, or added to, unless otherwise provided in this chapter, except for the following uses:
 - (1) Principal uses.
 - (a) Fully enclosed stores and shops, excluding any drive-up facilities, for the conduct of any retail sale of consumer merchandise and fully enclosed personal service establishments;
 - (b) Business and professional offices;
 - (c) Mixed-use buildings containing retail, personal service uses, and offices;
 - (d) Ice cream stands and bakeries as defined in § 285-5 of this chapter, not to exceed 2,000 square feet of gross floor area;
 - (e) Banking offices and banks without drive-up windows;
 - (f) Post offices;
 - (g) Fully enclosed counter-service dropoff laundry or dry-cleaning establishments, excluding facilities with coin-operated laundry machines for public use;
 - (h) Pet grooming establishments;
 - (i) Public parks owned or operated by a governmental authority;
 - (j) Firehouses, police stations, or other public safety uses owned or operated by the Town of Greenburgh, Westchester County, or by any other governmental

authority;

- (k) Other municipal buildings or uses operated by the Town of Greenburgh; and
 - (l) Uses in existence and in operation at the time of adoption of this section specific to the location of the preexisting use. These uses may be continued in a new location so long as the preexisting use is extinguished at the previous site and carried to the new site. Such preexisting uses are permitted to also expand to immediately adjacent properties.
 - (m) Fully enclosed commercial recreation facilities consisting of 5,000 square feet of gross floor area, or less. **[Added 10-23-2019 by L.L. No. 2-2022]**
- (2) Special permit uses. The Planning Board may grant a special permit for any of the following special permit uses, provided that such special permit use complies with the general standards set forth below and any specified performance standards. The initial application for the special permit shall be made through the Department of Community Development and Conservation. **[Amended 8-17-2005 by L.L. No. 3-2005 ; 11-9-2015 by L.L. No. 14-2015 ; 10-23-2019 by L.L. No. 2-2022]**
- (a) General standards.
 - [1] Each special permit use shall be of such character, intensity, size and location that, in general, it will be in harmony with the orderly development of the district, will not be detrimental to the orderly development of the district, and will not be detrimental to the orderly development of adjacent districts.
 - [2] Each special permit application shall include, at the time of application, a detailed exterior and interior layout plan, schedule of activities, hours of operation, number of employees, and maximum capacities.
 - [3] Each special permit use within the Hartsdale Center District shall not create undue vehicular traffic and shall not include any display of signs, noise, fumes or lights that will hinder normal development of the District or impair the use, enjoyment and value of adjacent land and buildings.
 - [4] The applicant for the special permit shall provide appropriate traffic studies demonstrating that potential traffic generation according to the said schedule of activities shall be within the reasonable capacity of the street, and that traffic and nuisances for pedestrians, cyclists, and vehicles as a result of the facility will be minimized.
 - [5] The applicant for the special permit shall provide appropriate parking studies demonstrating that the parking demand for the new use shall be accommodated by existing parking or parking proposed as part of the new development, and that any potential traffic congestion problems or parking shortages which may result will be suitably mitigated.
 - [6] The applicant for the special permit shall demonstrate that the activities within the special permit use will be appropriate in the proposed location and will

have no material adverse effect on existing or prospective conforming development, and the proposed site is adequate in size for the use.

- (b) Restaurants, to include coffee shops, and drinking establishments, excluding quick-service or fast-food establishments and cabarets, subject to the following provisions:
- [1] No such establishment shall exceed 3,000 square feet of gross floor area.
 - [2] There shall be sufficient security to prevent the use of the premises as a loitering place during the hours of operation.
 - [3] There shall be proper facilities and personnel for disposal of the trash and other debris generated by the facility.
 - [4] Outdoor dining shall be permitted as an accessory use, subject to the following:
 - [a] The width of the public portion of the sidewalk adjacent to the street shall not be constricted by the restaurant seating area. There shall be a minimum of five feet of clear distance or 50% of the sidewalk width, whichever is greater, in the public right-of-way, free of all obstructions to allow adequate pedestrian movement. The minimum distance shall be measured from the line or nearest sidewalk obstruction adjacent to the curbline, such as a public bench, garbage receptacle, or utility pole. Outdoor seating shall not be allowed if the minimum public clearance distance is not met.
 - [b] Outdoor dining area furnishings shall consist solely of readily removable umbrellas, covers, tables, chairs, planters containing live plants, and decorative accessories. The number and location of tables shall be compliant with the maximum occupancy and aisle width standards for dining facilities set forth in the New York State Uniform Fire Prevention and Building Code. No furnishing or other object may be attached, even in a temporary manner, to the sidewalk or other public property, or to any building or structure, and no furnishing or other object shall extend beyond the area delineated in Subsection B(2)(b)[4][a] above. All furnishings shall be removed from the sidewalk and stored indoors when the establishment is closed.
 - [c] Outdoor dining areas, including the adjacent public right-of-way along the building frontage, shall be kept free and clear at all times of litter, debris, and any substance that may damage the sidewalk or cause injury to a pedestrian. Failure to comply will result in a violation of the conditions of the special permit.
 - [d] All foods and beverages shall be prepared within the establishment, compliant with the terms and conditions of any permit which may be required under any other law or regulation for the serving of food and beverages, to include alcoholic beverage permits.

- (c) Cabarets, subject to the following provisions:
- [1] No such facility shall be located nearer than 2,000 feet from another such establishment as measured from their property lines.
 - [2] The establishment shall comply with all regulations and provisions specified by the Town Cabaret Law.³³
- (d) Fully enclosed animal hospitals, provided that:
- [1] All operations, including runways, shall be within a totally enclosed, fully soundproofed, mechanically ventilated or air-conditioned building.
 - [2] All operations shall be conducted and the structure maintained in such a manner that they are not offensive, obnoxious or detrimental to adjoining properties by reason of noise or odors.
 - [3] Permitted operations shall not include the boarding of animals or the operation of a kennel, except that the boarding of animals related to a course of medical treatment shall be permitted during the period of such treatment.
 - [4] There shall be proper facilities and personnel to ensure that trash, animal waste, and other debris generated by the facility shall be disposed.
- (e) Educational institutions, to include only facilities of higher education such as postsecondary, business, beauty, or computer schools, dance or music schools, etc., are allowed as commercial uses and regulated as such.
- [1] The facility shall provide appropriate noise analysis studies and mitigative measures to demonstrate that potential noise generated by the use will not be disruptive to adjacent uses.
- (f) Theaters and cinemas, subject to the following provisions:
- [1] Facilities shall not include any drive-up uses.
 - [2] Facilities shall not exceed 10,000 square feet of gross floor area.
- (g) Fully enclosed commercial recreation facilities, consisting of greater than 5,000 square feet of gross floor area or greater; provided that when the use is proposed in a multitenant building or a multi-use site, the applicant shall demonstrate to the satisfaction of the Planning Board that adequate available peak-time parking vacancies exist.
- (h) Clinic, Dental or Medical, pursuant to the procedures and standards set forth in § 285-25A(4)(j) of this chapter.
- (i) Massage establishments, subject to the procedures and standards set forth in § 285-36T of this chapter.

33. Editor's Note: See Ch. 330, Cabaret Law, of the Town of Greenburgh Code.

(3) Accessory uses.

- (a) Off-street parking area for private passenger vehicles of visitors, shoppers, and employees of the principal use, but not for the storage of used or new vehicles for sale or hire.
- (b) Off-street loading area for the delivery of goods to and from the principal use.
- (c) Trash compactors, such that the compactor shall be located no closer to the property lines than is permitted for any accessory structure within this District; the compactor shall not be located in a required loading berth or in required off-street parking spaces; the compactor shall be of rodentproof design; and the design and operation of the trash compactor shall be approved by the Building Inspector of the Town of Greenburgh prior to its installation.
- (d) Other customary accessory uses incidental to the principal use on the site.
- (e) Baby-sitting services for the use of patron or employee children.
- (f) Antennas, subject to the conditions set forth in § 285-37 of this chapter. Radio and television towers are not permitted in the Hartsdale Center District.
- (g) Sidewalk display of sample merchandise sold within the premises, excluding lists of merchandise and prices other than on the merchandise itself. This accessory use applies only during sidewalk events designated by the Town Board. Said display shall occupy no more than 10 square feet of sidewalk area and no more than two feet in depth as measured from the building to the curb. In no event shall the display block pedestrian traffic. No display shall create an open space or distance of more than six inches from the building facade.
- (h) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**

C. Development standards and general requirements.

(1) Lot and bulk requirements.

- (a) Minimum lot area: none specified.
- (b) Maximum FAR: 0.30.
- (c) Minimum yards: No specific minimum required front, side or rear yard setbacks are established within the Hartsdale Center District. The Planning Board, in connection with its review of site plans, shall establish such setbacks as it may determine necessary or appropriate for purposes of proper and attractive site design, safety of pedestrian and traffic circulation, and the maintenance of adequate separation between commercial uses and neighboring properties in the residential districts.
- (d) Maximum height: two stories, not to exceed 30 feet.

(2) Off-street parking and loading. Off-street parking and loading shall be provided in

accordance with the ratios established in § 285-38 of this chapter.

- D. Prohibited uses. Any use not specifically set forth as a permitted use herein is prohibited, including but not limited to an automobile sales lot, motor vehicle salesroom, public garage, auto-related repair shops, auto-related maintenance garages, vehicle storage yards, gasoline station, car-washing establishment, tire store, or any auto-related store with installation, service, or repair facilities on the premises and any other use involving the sale, leasing, or repair of automobiles, motel, hotel, tourist home, rooming house, furnished-room house, boardinghouse, storage warehousing or wholesale establishment and the outdoor storage of maintenance and cleaning and snow-removal vehicles. No operations or uses shall be permitted which may be offensive, obnoxious, or detrimental by reason of vibration, dust, fumes, odor, or noise.
- E. Special permit procedure.
- (1) Applications for a special permit.
- (a) All applications for a special permit shall be submitted, in writing, to the Department of Community Development and Conservation on special permit application forms prescribed by the Town Board. The Department of Community Development and Conservation shall transmit the special permit application directly to the Town Board. The applicant shall submit both the special permit and site plan applications concurrently, such that the site plan drawing from the site plan application shall also be included in the special permit application to the Town Board to describe the proposed project. The Town Board will conduct site plan review, ensuring that the external design of the new use shall be stylistically in character with the prescribed recommendations of the Hartsdale Village Streetscape Study prepared in July 1998 and the Hartsdale Design Guidelines prepared in August 2001. The Town Board shall refer the special permit and site plan applications to the Secretary of the Planning Board for recommendations by the Planning Board. The site plan approval process shall be pursuant to the procedure defined in § 285-58 of this chapter. The completed special permit application form must also be accompanied by the following:
- [1] Elevations showing the exterior treatment of surfaces, materials, lighting, window design, doorways, awnings, site vegetation, and fencing.
- [2] A rendering showing the front facade and all of the elements proposed in the front elevation.
- (b) The special permit application must fulfill all of the performance criteria specified for the use for which the permit is being applied, and explain in writing how these criteria will be met.
- (c) The Town Board may require the submittal of any other pertinent information as may be necessary to determine and provide for the proper consideration of the application for a special permit.
- (d) The Hartsdale Contextual Review Committee shall review and make recommendations to the Town Board regarding any application where external

alteration, whether it be new construction, reconstruction, modification, alteration, enlargement, or any other change to any existing structure or site layout within the Hartsdale Center District, is involved. The role of the Hartsdale Contextual Review Committee is defined in Subsection G of this section.

- (e) The Town Board may impose conditions on an application for a special permit based upon the site context of the proposed use in relation to neighboring uses, or other reasons that it deems important in order for the proposed use to meet the special permit standards described in Subsection B(2) of this section. Applications that do not meet one or more of the general or specific standards shall be denied. The Town Board may require permits to be periodically renewed, or permits may be granted as temporary, subject to adequate guaranties that the use covered by the permit will abide by the criteria defined in writing by the Board at the time of permit issuance. Failure to do so may result in these temporary permits being determined invalid.
- (f) Special permits within the Hartsdale Center District shall conform with the use and the conditions of approval, if any, specified by the Town Board for that permit at the time of permit issuance. The Town Board may add conditions of approval if the special permit is subject to periodic renewal. Following the discontinuation of any special permit use, the permit shall cease to be valid.

(2) Public hearing required.

- (a) After review of the recommendations of the Planning Board and Hartsdale Contextual Review Committee, and within 45 days after the next regular meeting of the Town Board following receipt of those recommendations, the Town Board shall conduct a public hearing on the site plan application. Public notice shall be as required by the Town Law of the State of New York.
- (b) Within 45 days of the date of which a public hearing is closed, the Town Board shall, by resolution, act to approve, disapprove or approve with conditions if any are necessary.

F. Site plan approval.

- (1) Development within the Hartsdale Center (HC) District shall be subject to the provisions of Article VIII of Ch. 285, Zoning, and any other applicable statutes, laws, and ordinances.
- (2) Referral to the Hartsdale Contextual Review Committee. As part of the referral procedure defined in § 285-57D of Article VIII, the Planning Board shall refer any site plan application with exterior alteration, whether it be new construction, reconstruction, modification, alteration, enlargement, or any other change to any existing structure or site layout within the Hartsdale Center District, to the Hartsdale Contextual Review Committee for its review and recommendations. The role of the Hartsdale Contextual Review Committee is defined in Subsection G of this section.

G. Design review.

- (1) The Hartsdale Center District is hereby designated as a special design district to develop a distinctive architectural style, character of building development, hamlet character, and important community focal point. The purpose of this designation shall be to ensure that the construction, reconstruction, modification, alteration, enlargement, or other changes in the design of buildings and uses on properties within the District are in harmony with each other, are consistent with the preservation of the economic value of other properties situated therein, and are otherwise consistent with the purposes of the section.
- (2) Prior to the issuance of any building permit, site plan approval, and/or special permit, the application shall be submitted to the Hartsdale Contextual Review Committee (HCRC) for a recommendation to the issuing body or department concerning exterior alternations. The Hartsdale Contextual Review Committee shall review and make recommendations to the issuing authority within 45 days of receiving an application. These recommendations shall be guided by the Hartsdale Village Streetscape Study prepared in July 1998 and the Hartsdale Design Guidelines prepared in August 2001, as may be amended or updated, that are on file within the Department of Community Development.
- (3) The Hartsdale Contextual Review Committee (HCRC) shall be established as follows:
 - (a) The HCRC shall consist of nine members who shall be residents of the unincorporated area of the Town and shall be appointed by the Town Board. Each member shall be appointed for a two-year term, except that five initial appointees shall be appointed for one-year terms so that the terms shall thereafter be staggered. Vacancies on the HCRC shall be filled in the same manner as for any other appointee, except that the replacement shall serve only for the unexpired term. Members of the HCRC shall include:
 - [1] One member of the Town Board;
 - [2] The Chair of the Planning Board or chosen designee from that Board;
 - [3] The Building Inspector or chosen designee from the Building Department;
 - [4] The Planning Commissioner or chosen designee from the Department of Community Development and Conservation; and
 - [5] Five residents or members of community associations from the East Hartsdale Avenue area, initially two of whom shall be members from the Hartsdale Hamlet Steering Committee that prepared the Hartsdale Village Streetscape Study. One member shall be a tenant and one member shall be a landlord from within the East Hartsdale Avenue area. The tenant shall not be of the landlord named to the HCRC.
 - (b) The Town Board shall designate a member of the HCRC to act as Chair thereof. The members of the HCRC shall elect from among themselves a recording secretary, who shall keep accurate records of its meetings and activities. The HCRC shall adopt bylaws, rules, and regulations for its meetings.

- (c) No members of the HCRC shall receive any compensation for their services as members thereof, but they may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within appropriations which are made available therefor.

H. Nonconforming buildings and uses. Regulations governing nonconforming buildings and uses in the Hartsdale Center (HC) District shall be in accordance with the regulations described in § 285-42 of this chapter.

§ 285-30. CB Close Business District.

A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to, unless otherwise provided in this chapter, except for the following uses:

(1) Principal uses.

- (a) Fully enclosed stores for the retail sale of consumer merchandise and fully enclosed personal service establishments in accordance with the provisions of the DS Designed Shopping District as specified in § 285-28 of this chapter.
- (b) Business, professional and banking offices. **[Amended 7-8-1987 by L.L. No. 3-1987]**
- (c) Mixed-use buildings containing office, banking, retail and personal service uses, provided that banking, retail and personal service uses shall be limited to the first floor and such area of the first floor does not exceed 33% of the total floor area of the building, exclusive of the basement. **[Amended 7-8-1987 by L.L. No. 3-1987]**
- (d) Restaurants and drinking establishments, excluding quick-service or fast-food establishments and cabarets, in accordance with the provisions of the DS Designed Shopping District as specified in § 285-28 of this chapter.
- (e) Diners.
- (f) Dwelling space for one or two dwelling units in a separate structure or dwelling space for one or two dwelling units above a permitted use if separated therefrom by unpierced fire walls and ceiling and provided with a separate entrance.
- (g) Post office.
- (h) Detached dwellings as permitted and regulated in § 285-14 herein.
- (i) Public parks, playgrounds or similar recreational areas owned or operated by a governmental authority. **[Added 7-8-1987 by L.L. No. 3-1987]**
- (j) Firehouses, police stations or other public safety uses owned or operated by the Town of Greenburgh, Westchester County, or by any other governmental authority. **[Added 7-8-1987 by L.L. No. 3-1987]**
- (k) Other municipal buildings or uses operated by the Town of Greenburgh.

- (2) Special permit uses.
 - (a) Cabarets, as permitted and regulated in § 285-28 of this chapter.
 - (b) Roomers and boarders shall be prohibited except by special permit in detached single-family dwellings pursuant to the provisions of § 285-10A(2)(g). [**Amended 1-22-1986**]
 - (c) Clinic, dental or medical, pursuant to the procedures and standards set forth in § 285-25A(4)(j) of this chapter. [**Added 8-17-2005 by L.L. No. 3-2005**]
- (3) Accessory uses.
 - (a) Off-street parking area for private passenger vehicles of visitors, shoppers and employees of the principal use, but not for the storage of used or new vehicles for sale or hire.
 - (b) Off-street loading area for the delivery of goods to and from the principal use.
 - (c) Garage for the storage only of commercial vehicles used for the delivery of goods purchased within the principal use, provided that such garage is located within the principal building.
 - (d) Trash compactors, subject to the requirements of § 285-36 of this chapter.
 - (e) Accessory signs, subject to the applicable provisions of the Sign and Illumination Law of the Town of Greenburgh.³⁴
 - (f) Other customary accessory uses incidental to the principal use on the site.
 - (g) Antennas, subject to the conditions set forth in § 285-37 of this chapter. [**Added 11-14-1984 ; amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997**]
 - (h) Sidewalk display of sample merchandise sold within the premises or lists of merchandise and prices. Said display shall occupy no more than 10 square feet of sidewalk area and no more than two feet in depth as measured from the building to the curb. In no event shall the display block pedestrian traffic. No display shall be more than six inches from the building facade. This accessory use provision shall apply only to East Hartsdale Avenue between Rockledge Circle and Station Drive and shall be limited to normal business hours of 9:00 a.m. to 5:00 p.m. Monday through Saturday. [**Added 10-11-1995 by L.L. No. 11-1995**]
 - (i) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. [**Added 8-11-2021 by L.L. No. 5-2021**]
- (4) Uses under special permit by Town Board. [**Added 11-9-2015 by L.L. No. 14-2015**]
 - (a) Fully enclosed massage establishments, pursuant to the procedures and standards set forth in § 285-36T of this chapter and the following specific standard:

34. Editor's Note: See Ch. 240, Sign and Illumination Law.

[1] In mixed-use buildings containing office, banking, retail and personal service uses, massage establishments shall be permitted, provided that banking, retail, personal service uses and massage establishments shall be limited to the first floor, and such area of the first floor does not exceed 33% of the total floor area of the building, exclusive of the basement.

(5) Uses under special permit by the Planning Board. **[Added 8-11-2021 by L.L. No. 5-2021]**

(a) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter.

B. Lot and bulk requirements shall be as follows:

(1) Minimum lot area: none specified.

(2) Minimum lot width: none specified.

(3) Maximum FAR: 0.30. **[Amended 7-8-1987 by L.L. No. 3-1987]**

(4) Maximum coverage: **[Amended 7-8-1987 by L.L. No. 3-1987]**

(a) All buildings: 30%.

(b) Impervious surfaces: 65%.

(5) Minimum yards:

(a) Front: 20 feet.

(b) One side: 10 feet.

(c) Two sides: 22 feet.

(d) Rear: 50 feet.

(e) All yards must comply with § 285-39 of this chapter.

(6) Minimum distance from off-street parking areas to:

(a) Principal building: 10 feet.

(b) Side lot line: 10 feet.

(c) Rear lot line: 10 feet.

(7) Maximum height: two stories, not to exceed 25 feet. **[Amended 7-8-1987 by L.L. No. 3-1987]**

§ 285-31. IB Intermediate Business District.

A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to, unless otherwise provided in this chapter, except for the following uses:

- (1) Principal uses.
 - (a) Existing detached dwellings in accordance with the lot and bulk regulations of the R-5 Residence District, as specified in § 285-16 of this chapter.
 - (b) Retail uses and personal service establishments.
 - (c) Business, professional and banking offices.
 - (d) Business or vocational schools.
 - (e) Shops for the making or assembly of articles and the sale of such articles assembled or made on the premises, provided that no machinery or process is used which emits offensive noises, gases, fumes, smoke, odors, dust or vibrations or causes any nuisance.
 - (f) Wholesale indoor storage and warehousing establishments, but excluding the storage of coal, coke and fuel oil.
 - (g) Public parks, playgrounds or similar recreational areas owned or operated by a governmental authority. **[Added 7-8-1987 by L.L. No. 3-1987]**
 - (h) Firehouses, police stations or other public safety uses owned or operated by the Town of Greenburgh, Westchester County, or by any other governmental authority. **[Added 7-8-1987 by L.L. No. 3-1987]**
 - (i) Other municipal buildings or uses operated by the Town of Greenburgh. **[Added 7-8-1987 by L.L. No. 3-1987]**
 - (j) Fully enclosed commercial recreation facilities consisting of 5,000 square feet of gross floor area, or less. **[Added 10-23-2019 by L.L. No. 2-2022]**
- (2) Special permit uses, Planning Board. **[Amended 7-8-1987 by L.L. No. 3-1987 ; 8-17-2005 by L.L. No. 3-2005 ; 10-25-2017 by L.L. No. 5-2017 ; 10-23-2019 by L.L. No. 2-2022]**
 - (a) Lumber and building equipment sales, storage and services.
 - (b) Small animal hospitals or kennels, subject to the provisions of § 285-27A(2) of this chapter.
 - (c) Printing plants.
 - (d) Funeral homes.
 - (e) Any of the following uses, provided that none shall be designed, used or operated so as to be offensive by reason of noise, gases, fumes, smoke, odors, dust, vibrations or effluents:
 - [1] Experimental laboratory, cold storage plant, ice plant or bakery.
 - [2] Laundry or dry-cleaning plant.

- [3] Car washing establishment.
- [4] Gasoline station, provided that such gasoline station is not located within 1,000 feet of another gasoline station or within 200 feet of any school, church, hospital or other place of public assembly.
- [5] The sale of new motor vehicles within totally enclosed buildings and, in conjunction therewith, a repair shop in the rear or the side of the new motor vehicle salesroom and a used motor vehicle sales area, provided that:
 - [a] All repair work is done within a totally enclosed soundproof building.
 - [b] The outdoor storage of motor vehicles is limited to new motor vehicles for sale on the premises and used motor vehicles acquired as trade-ins upon new vehicles sold on the premises.
 - [c] The permitted repair shop, motor vehicle storage and used motor vehicle sales shall continue so long as the sale of new motor vehicles continues and all are conducted under the same ownership as one enterprise.
 - [d] Outdoor area lighting generally shall be that necessary for security purposes and lighting for illuminating an outdoor sales area shall be restricted to the front 1/3 of the lot depth, shall not be permitted in the front screening strip and shall be reduced to security lighting at the close of business. All outdoor area lighting shall be located at a height not more than 14 feet above ground level and shall be so directed and shielded that the beams are directed vertically to the ground or to the front of the lot, and no source of illumination shall be visible beyond the lot lines.
 - [e] A landscaped evergreen buffer of five feet shall surround the storage area.
- [6] Public garage or motor vehicle repair shop, provided that all repair work is done within a total enclosed soundproof building, and not including the painting of motor vehicles by any means.
- (f) Fully enclosed commercial recreation facilities, consisting of greater than 5,000 square feet of gross floor area or greater; provided that when the use is proposed in a multitenant building or a multi-use site, the applicant shall demonstrate to the satisfaction of the Planning Board that adequate available peak-time parking vacancies exist.
- (g) Telephone exchanges, electric substations, public utility business offices or garages.
- (h) Clinic, dental or medical, pursuant to the procedures and standards set forth in § 285-25A(4)(j) of this chapter.
- (i) Self-storage.

- (3) Accessory uses.
 - (a) Off-street parking and loading.
 - (b) Other customary accessory uses incidental to the principal use on the site.
 - (c) Accessory signs, subject to the applicable provisions of the Sign and Illumination Law of the Town of Greenburgh.³⁵
 - (d) Trash compactors, subject to the requirements of § 285-36 of this chapter.
 - (e) Antennas, subject to the conditions set forth in § 285-37 of this chapter. **[Added 11-14-1984 ; amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
 - (f) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
 - (4) Uses under special permit by Town Board. **[Added 11-9-2015 by L.L. No. 14-2015]**
 - (a) Massage establishments, subject to the procedures and standards set forth in § 285-36T of this chapter.
 - (5) Uses under special permit by the Planning Board. **[Added 8-11-2021 by L.L. No. 5-2021]**
 - (a) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter.
- B. Lot and bulk requirements shall be as follows:
- (1) Minimum lot area: none specified.
 - (2) Minimum lot width: none specified.
 - (3) Maximum coverage:
 - (a) All buildings: 30%.
 - (b) Impervious surfaces: 80%. **[Added 7-8-1987 by L.L. No. 3-1987]**
 - (4) Minimum yards:
 - (a) Front yard: 20 feet.
 - (b) One side yard: 20 feet.
 - (c) Two side yards: 40 feet.
 - (d) Rear yard: 50 feet.
 - (5) Minimum distance from detached accessory building or off-street parking areas to:

35. Editor's Note: See Ch. 240, Sign and Illumination Law.

- (a) Principal building: 10 feet.
- (b) Side lot line: 10 feet.
- (c) Rear lot line: 10 feet.
- (6) Maximum height: two stories, not to exceed 25 feet, unless otherwise specified.
[Amended 7-8-1987 by L.L. No. 3-1987]

§ 285-32. LI Light Industrial District.

A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to, unless otherwise provided in this chapter, except for the following uses:

- (1) Principal uses.
 - (a) Any principal uses permitted in § 285-25 herein.
 - (b) Light 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. Industrial uses involving primary production from raw materials, such as but not limited to asphalt, cement, charcoal, fuel briquettes, chemicals and related products which may be dangerous or offensive or create nuisances; and processes, whether or not related to such production, including but not limited to nitrating, milling reduction, refining, melting, alloying and distillation, shall be prohibited.
 - (c) Wholesale, indoor storage and warehousing establishments, but excluding the storage of coal, coke and fuel oil.
 - (d) Lumber and building equipment sales, indoor storage and service.
 - (e) Veterinary hospitals, subject to the applicable provisions of § 285-28A(2) of this chapter.
 - (f) Motor vehicle sales and accessory motor vehicle repair facility in the rear or side thereof.
 - (g) Printing plants.
 - (h) Business or vocational schools.
 - (i) Any of the following uses, provided that none shall be designed, used or operated as to be offensive by reason of noise, gases, fumes, smoke, odors, dust, vibrations or effluents:
 - [1] Experimental laboratory, cold storage plant, ice plant or bakery.
 - [2] Motor vehicle storage, including indoor or outdoor storage of motor vehicles for sale or hire. A landscaped evergreen buffer of five feet shall surround the storage area.

- [3] Public garage or motor vehicle repair shop, provided that all work is done indoors.
 - [4] Laundry or dry-cleaning plant.
 - [5] Car washing establishment.
 - [6] Gasoline station, provided that such gasoline station is not located within 1,000 feet of another gasoline station or within 200 feet of any school, church, hospital or other place of public assembly.
- (j) Electric substations, public utility business offices, storage yards, garages.
 - (k) Funeral homes.
 - (l) Fully enclosed commercial recreation facilities. **[Amended 10-23-2019 by L.L. No. 2-2022]**
 - (m) Self-storage. **[Added 10-25-2017 by L.L. No. 5-2017]**
- (2) Special permit uses. **[Added 1-20-2001 by L.L. No. 1-2001 ³⁶]**
 - (a) Adult establishments, upon issuance of a special permit by the Town Board, subject to the conditions set forth in § 285-36R.
 - (b) Clinic, dental or medical, pursuant to the procedures and standards set forth in § 285-25A(4)(j) of this chapter. **[Added 8-17-2005 by L.L. No. 3-2005]**
 - (3) Accessory uses.
 - (a) Off-street parking and loading.
 - (b) Indoor or outdoor storage facilities, including the outdoor storage of equipment or materials, provided that such outdoor storage shall be at least 25 feet from any lot line, not more than six feet in height and suitably screened by a fence or other suitable means of at least six feet in height.
 - (c) Accessory signs, subject to the applicable provisions of the Sign and Illumination Law of the Town of Greenburgh.³⁷
 - (d) Other customary accessory uses incidental to the principal uses on the site.
 - (e) Antennas, subject to the conditions set forth in § 285-37 of this chapter. **[Added 11-14-1984 ; amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
 - (f) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**
 - (4) Uses under special permit by Town Board. **[Added 11-9-2015 by L.L. No. 14-2015]**

36. Editor's Note: This local law also renumbered former Subsection A(2), Accessory uses, as Subsection A(3).

37. Editor's Note: See Ch. 240, Sign and Illumination Law.

- (a) Massage establishments, subject to the procedures and standards set forth in § 285-36T of this chapter.
- (5) Uses under special permit by the Planning Board. **[Added 8-11-2021 by L.L. No. 5-2021]**
 - (a) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter.
- B. Lot and bulk requirements shall be as follows:
 - (1) Minimum lot area: 40,000 square feet.
 - (2) Minimum lot width: 200 feet.
 - (3) Maximum coverage:
 - (a) Principal building: 15%.
 - (b) Accessory building: 5%.
 - (c) All buildings: 20%.
 - (d) Impervious surfaces: 80%. **[Added 7-8-1987 by L.L. No. 3-1987]**
 - (4) Minimum yards:
 - (a) Front: 40 feet.
 - (b) One side: 50 feet.
 - (c) Two sides: 100 feet.
 - (d) Rear: 50 feet.
 - (5) Minimum distance from detached accessory building or off-street parking area to:
 - (a) Principal building: 25 feet.
 - (b) Side lot line: 25 feet.
 - (c) Rear lot line: 25 feet.
 - (6) Maximum height: three stories, not to exceed 45 feet. **[Amended 7-8-1987 by L.L. No. 3-1987]**

§ 285-33. GI General Industrial District.

- A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to, unless otherwise provided in this chapter, except for the following uses:
 - (1) Principal uses. All uses permitted in the LI Light Industrial District as specified in § 285-32A(1) of this chapter.

(2) Special permit uses.

- (a) Any of the following uses, provided that none shall be designed, used or operated as to be offensive for reasons of noises, gases, fumes, smoke, odors, dust, vibrations or effluents:
- [1] Motor vehicle repair work, including body and fender work, painting, spraying and vulcanizing, provided that all such work is done indoors.
 - [2] Stone-cutting or monument works.
 - [3] Outdoor storage of lumber and building materials, provided that such outdoor storage shall be at least 25 feet from any lot line and shall be suitably screened by shrubbery or fencing or a combination thereof.
 - [4] Gasoline station, provided that such gasoline station is not located within 1,000 feet of another gasoline station or within 200 feet of any school, church, hospital or other place of public assembly.
 - [5] Coal and coke yards, provided that such materials are stored in dust-controlling containers or dust is otherwise effectively controlled, and the storage of liquefied petroleum gases.
 - [6] Fuel-oil storage, provided that such installations are constructed and operated in full compliance with the standards recommended by the National Board of Fire Underwriters.
 - [7] Privately owned garbage or sewage disposal plant or incinerator.
 - [8] Clinic, dental or medical, pursuant to the procedures and standards set forth in § 285-25A(4)(j) of this chapter. **[Added 8-17-2005 by L.L. No. 3-2005]**
- (b) Any use not specifically permitted and not otherwise prohibited by law, except the following:
- [1] The slaughtering or processing of animals or fish, including the parts thereof, or the manufacture of any commodity, the principal ingredient of which is animal or fish matter, provided that nothing herein contained shall be construed to prevent the sale of animals or fish as foodstuff or the preparation therefrom of food products for sale at retail on the premises.
 - [2] The manufacture of heavy chemicals, such as but not limited to acids or other corrosives, ammonia and caustic soda; the manufacture of basic or semifinished chemicals, such as but not limited to cellulose products, resins, dyestuffs, glues, vegetable, animal or mineral fats or oils, explosives, soaps and detergents, fertilizers, combustible gases and asphalt and tar products; the manufacture or production of metals or alloys in ingot or stock form; and the manufacture or production of cement, plaster and their constituents, matches, paints, linoleum and oil cloth and rubber and rubber products.
 - [3] Any other similar use or purpose which will create waste, gas or liquid or a

condition of hazard, noise, fumes, smoke, odor, dust, vibrations or effluents and thus tend to be detrimental to the quiet, peace, comfort, convenience, safety or general welfare of the community.

- (3) Accessory uses. All accessory uses permitted in the LI District, as specified in § 285-32A(2) of this chapter.
- (4) Uses under special permit by Town Board. **[Added 5-27-1987]**
 - (a) Animal shelters, provided that:
 - [1] All operations, excluding runways, shall be within a totally enclosed, fully soundproofed, mechanically ventilated or air-conditioned building. Enclosed shelter for all animals shall be provided from dusk to dawn.
 - [2] All operations shall be conducted and the structure maintained in such a manner that they are not offensive or obnoxious to adjoining properties by reason of noises or odors.
 - [3] The minimum lot size shall be 130,000 square feet.
 - [4] No building or structure shall be located nearer than 30 feet to any street or lot line or located nearer than 100 feet to any watercourse. No parking area shall be nearer than 10 feet to any building, street or lot line.
 - [5] All animal feed shall be stored in rodentproof facilities.
 - [6] No outside storage of odor- or dust-producing substances shall be permitted.
 - [7] Said shelter shall be operated and/or sponsored by a nonprofit agency. Said shelter shall be constructed and shall remain in compliance with all regulations set forth in said special permit.
 - [8] A maximum of 2,000 square feet of floor area may be used as accessory residential housing area to be used solely by employees of the shelter. Each such accessory residential unit shall be required to have a minimum floor area of 750 square feet.
 - [9] Said shelter shall provide kennel areas of a minimum of nine square feet per dog and three square feet per cat. The floor space per animal shall include enclosed kennel areas only, exclusive of runs. All kennel enclosures shall require a building permit prior to construction. Temporary enclosures shall be prohibited.
 - [10] Said shelter property shall be suitably enclosed with a fence or hedge. A minimum landscaped buffer 10 feet in width shall be provided along all lot lines.
 - [11] A minimum of 30 parking spaces shall be provided. Parking shall be allowed in the front yard, subject to all other applicable setback and landscaping requirements.

[12] Such animal shelter shall not be located nearer than 200 feet to any existing residential dwelling.

[13] In the performance of his duties, the Building Inspector and his duly authorized representatives shall have the right, during daylight hours, to enter and inspect any building, structure and land for which a special permit has been issued and shall make one physical inspection a year.

[14] In addition to the inspection made from time to time by the Building Inspector, the Building Inspector shall make a physical inspection of the premises at least once every year while the special permit is in effect to ensure compliance with the special permit requirements and any special conditions set by the Town Board. The Building Inspector shall submit a written report to the Town Board detailing the results of the inspection.

[15] Said shelter shall be affiliated with one or more licensed veterinarians at all times.

[16] A monthly log of admissions, adoptions and population count shall be maintained by the shelter and shall be made available to the Building Inspector from time to time on request.

[17] The floor area ratio (FAR) for all buildings and structures shall not exceed .35.

(b) Massage establishments, subject to the procedures and standards set forth in § 285-36T of this chapter. **[Added 11-9-2015 by L.L. No. 14-2015]**

(5) Uses under special permit by the Planning Board. **[Added 8-11-2021 by L.L. No. 5-2021]**

(a) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter.

B. Lot and bulk requirements shall be as follows:

(1) Minimum lot area: 80,000 square feet, unless otherwise specified.

(2) Minimum lot width: 200 feet, unless otherwise specified.

(3) Maximum coverage:

(a) Principal building: 15%.

(b) Accessory buildings: 5%.

(c) All buildings: 20%.

(d) Impervious surfaces: 80%. **[Added 7-8-1987 by L.L. No. 3-1987]**

(4) Minimum yards:

(a) Front: 50 feet.

- (b) One side: 100 feet.
 - (c) Two sides: 200 feet.
 - (d) Rear: 65 feet.
 - (e) All yards must comply with § 285-39 of this chapter.
- (5) Minimum distance from detached accessory building or off-street parking areas to:
- (a) Principal building: 25 feet.
 - (b) Side lot line: 25 feet.
 - (c) Rear lot line: 25 feet.
- (6) Maximum height: three stories, not to exceed 45 feet. **[Amended 7-8-1987 by L.L. No. 3-1987]**

§ 285-34. PD Nonresidential Planned Development District.

A. Statement of intent and objectives.

- (1) It is the intent of this PD Nonresidential Planned Development District to permit flexibility in the design and development of office, warehouse, renewable energy-based manufacturing, and research and development uses within an industrial park setting. The planned development regulations are designed to give the developer a knowledge of the general type of development permitted before the completion of detailed design for every building or parcel, while providing the Town with assurances that the overall industrial park development will be satisfactorily planned and constructed within the framework of an overall conceptual plan for the entire tract. **[Amended 4-17-2018 by L.L. No. 5-2018]**
- (2) The Town Board further declares that this intent cannot be achieved through the use of traditional bulk and use zoning and subdivision regulations, the application of which to substantial tracts of land may be inimical to the ability of the Town to take full advantage of the most advanced techniques of land development.

B. Standards and general requirements for planned developments.

(1) Eligibility standards.

(a) Minimum parcel area. [Amended 6-26-1985]

[1] All planned developments shall have a minimum parcel area of 35 contiguous acres, except planned developments permitted pursuant to Subsection B(1)(a)[2] of this section. The minimum parcel area of 35 contiguous acres may be divided by a public street, provided that the area of the public street is not included as part of the thirty-five-acre minimum. The Town Board may, as a condition of approval, require that the internal streets or driveways of the planned development provide for the interconnection or for the possible future interconnection with the internal streets or driveways of the abutting planned

development or other adjacent parcels. Said acreage shall be in one ownership or in joint ownership under a suitable agreement that provides for coordinated development of the parcel. Said agreement shall be approved by the Town Attorney of the Town of Greenburgh, New York.³⁸

- (b) The principal access to the planned development shall be directly from a major road with state or county jurisdiction.
 - (c) A comprehensive plan for ultimate development for the planned development shall be submitted to the Town in accordance with the provisions of Subsection C of this section for any requested planned development not so zoned as of the effective date of this chapter. Each newly created planned development shall be considered a separate Planned Development District for the purposes of this chapter, regardless of whether or not it is located adjacent to another planned development.
- (2) Permitted uses.
- (a) Principal uses. Office, industrial, warehousing and certain commercial uses specified below shall be permitted in a planned industrial parklike setting either in separate or in multiuse buildings, including the following:
 - [1] Light manufacturing, processing and assembly activities, provided that such activities are so designed, constructed and enclosed that there will be no observable evidence thereof, other than loading and unloading functions which shall be fully screened from all adjacent residential areas and public streets. Uses which may be dangerous or offensive or create nuisances and processes, whether or not related to such production, including but not limited to nitrating, milling, reduction, refining, melting and alloying, shall be prohibited. No light manufacturing, processing or assembly activity shall be designed, used or operated so as to be offensive by reason of noise, fumes, smoke, odors, dust, vibrations, effluents or emissions. **[Amended 6-26-1985 ; 5-23-2018 by L.L. No. 6-2018]**
 - [2] Manufacturing of equipment that will produce electricity utilizing sustainable sources, including, but not limited to: hydro, solar, biomass, geothermal, and wind; manufacturing of equipment that facilitates the efficient use of energy such as, but not limited to, LED lighting and energy management systems; manufacturing/assembling, processing, servicing, and/or the repairing of all-electric vehicles, provided that all of the above activities in this subsection are designed, constructed, and enclosed so that there will be no observable evidence thereof, other than loading and unloading functions, which shall be fully screened from all adjacent residential areas and public streets. No related manufacturing, processing, or assembly activity shall be designed, used or operated so as to be offensive by reason of noise, fumes, smoke, odors, dust, vibrations, effluents or emissions. **[Added 4-17-2018 by L.L. No. 5-2018 ³⁹]**

38. Editor's Note: Former Subsection B(1)(a)[2], permitting planned developments having a minimum parcel area of 10 contiguous areas under certain conditions, which immediately followed this subsection, was repealed 10-25-2017 by L.L. No. 5-2017.

39. Editor's Note: This local law also renumbered former Subsection B(2)(a)[2] through [19] as Subsection B(2)(a)[3] through [20].

- [3] Wholesale, warehousing and distribution, including a retail outlet as an accessory to a distribution or warehousing use, in accordance with Subsection C(1)(b) and (2)(b) of this section, as applicable, except that freight terminals and truck terminals are excluded.
- [4] Office or agency for scientific research or technical development, provided that no process or operation shall involve the handling, storage or discharge of explosives. The use of any virus or other type of infectious organism identified with diseases of animals or humans must be carried out in compliance with all county, state, federal, and/or other applicable regulations. **[Amended 8-23-2017 by L.L. No. 3-2017]**
- [5] Professional, administrative, governmental or business office.
- [6] Bank and drive-in banking facility, in accordance with Subsection B(3)(a)[2] and (b), as applicable.
- [7] Public utility, substation, telephone exchange center and utility right-of-way. Antenna(s), where permitted, shall comply with the conditions set forth in § 285-37 of this chapter. **[Amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
- [8] Conference center.
- [9] Theater or cinema other than the drive-in type, in accordance with Subsection B(3)(a)[2] and also in accordance with the following:
 - [a] The operation shall be totally within a soundproof building.
 - [b] Said theater shall contain no more than 1,000 seats.
 - [c] Vehicular access to said theater and accessory off-street parking shall be located on a lot having frontage on a major road having state or county jurisdiction or within 1,000 feet of a major road having state or county jurisdiction.
 - [d] Said theater shall be located no closer than 400 feet to a residential area.
- [10] Data processing or printing as a principal use or accessory to other permitted use.
- [11] Business or vocational school.
- [12] Indoor and outdoor recreation facilities. **[Amended 10-23-2019 by L.L. No. 2-2022]**
- [13] Non-freestanding restaurant located within or as part of another permitted building, including dinner theaters, in accordance with Subsection B(3)(a)[2], but excluding freestanding diners, pancake houses, ice cream stands, doughnut shops and quick-service or fast-food establishments.
- [14] Branch post office and postal service facility.

- [15] Hotel and motel in accordance with the provision of Subsection B(3)(a)[2] of this section and also in accordance with the provisions of § 285-25A(2)(c) of this chapter.
- [16] Public parks, playgrounds or similar recreational areas owned or operated by a governmental authority. **[Added 7-8-1987 by L.L. No. 3-1987]**
- [17] Firehouses, police stations or other public safety uses owned or operated by the Town of Greenburgh, Westchester County, or by any other governmental authority. **[Added 7-8-1987 by L.L. No. 3-1987]**
- [18] Other municipal buildings or uses operated by the Town of Greenburgh. **[Added 7-8-1987 by L.L. No. 3-1987]**
- [19] Day-care centers, authorized by the State of New York Department of Social Services, Department of Health or other state agency having jurisdiction, subject to the following: **[Added 10-25-1989 by L.L. No. 2-1989 ; amended 10-8-1997 by L.L. No. 10-1997]**
- [a] The application for site plan approval shall include a fully dimensioned diagram or floor plan showing planned occupancy or use of all areas, interior and exterior, to be utilized for day care, including exits, fire prevention measures, windows, doors, sanitary facilities, off-street parking and vehicular dropoff areas.
- [b] An appropriately fenced outdoor activity area providing adequate room for the size of the proposed day-care center shall be provided on site. If such outdoor area is not directly adjacent to the indoor area of the day-care center, a supervised crosswalk shall be provided between the two areas. A minimum distance shall be provided between any paved or impervious surface being a portion of such outdoor area and all lot lines, said minimum distance being equal to the minimum distance otherwise required between off-street parking and lot lines. A minimum distance of 10 feet shall be provided between all portions of such outdoor area and all off-street parking areas. A landscaped buffer area with a minimum width of 10 feet shall be provided between all portions of such outdoor area and all lot lines.
- [c] No portion of said day-care center shall be located in a basement which has more than 1/2 of its height, measured from floor to ceiling, below the average finished grade of the ground adjoining the building. **[Amended 5-22-2013 by L.L. No. 2-2013]**
- [d] All indoor areas used as a day-care center shall be provided with windows and adequate light and air.
- [20] Self-storage, in accordance with the following lot and bulk regulations: **[Added 10-25-2017 by L.L. No. 5-2017]**
- [a] For lots with a minimum of 4.0 acres. FAR requirements identified in

§ 285-34B(3)(a)[1] shall not apply to multistory self-storage buildings with fully enclosed storage units served by an internal access. FAR for lots with a minimum of 4.0 acres shall not exceed 0.50.

[b] Off-street loading berths may be provided in the principal building or in any side or rear yards. Off-street loading spaces may be permitted in front yards provided that they are constructed at the same grade elevation as the remainder of the parking spaces and that bumpers, dock seals, and dock locks are not permitted to face the street on which the building fronts.

[21] Microdistilleries. **[Added 5-23-2018 by L.L. No. 6-2018]**

[22] Microwineries. **[Added 5-23-2018 by L.L. No. 6-2018]**

(b) Town Board special permit uses. **[Added 8-17-2005 by L.L. No. 3-2005 ⁴⁰]**

[1] Clinic, dental or medical, pursuant to the procedures and standards set forth in § 285-25A(4)(j) of this chapter.

(c) Accessory uses.

[1] Uses customarily accessory to uses permitted by right in Subsection B(2)(a).

[2] Accessory parking, subject to the requirements of § 285-38 of this chapter. **[Amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**

[3] Accessory loading, subject to the requirements of § 285-38 of this chapter. **[Amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**

[4] Accessory signs, subject to the provisions of the Sign and Illumination Law of the Town of Greenburgh.⁴¹

[5] Antennas, subject to the conditions set forth in § 285-37 of this chapter. **[Added 11-14-1984 ; amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**

[6] Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**

(d) Uses under special permit by the Planning Board. **[Added 8-11-2021 by L.L. No. 5-2021]**

[1] Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter.

(3) Lot and bulk regulations.

(a) Planned developments having a minimum parcel area of 35 contiguous acres shall

40. Editor's Note: This local law also redesignated former Subsection B(2)(b) as Subsection B(2)(c).

41. Editor's Note: See Ch. 240, Sign and Illumination Law.

be governed by the following regulations:

- [1] Maximum floor area ratio (FAR) of all structures in the planned development shall not exceed 0.30. **[Amended 7-8-1987 by L.L. No. 3-1987]**
 - [2] Maximum floor area ratio (FAR) of permitted commercial uses, as specified in Subsection B(2) shall not exceed 0.08. **[Amended 7-8-1987 by L.L. No. 3-1987]**
 - [3] Maximum coverage of all buildings shall not exceed 40%.
 - [4] Maximum height of all buildings in the planned development shall not exceed three stories and shall not exceed 40 feet.
 - [5] Maximum coverage of impervious surfaces shall not exceed 70%.⁴² **[Added 7-8-1987 by L.L. No. 3-1987]**
- (4) Additional requirements. For the purposes of this section, "external lot line" shall mean those lot lines along the rights-of-way of a road of state or county jurisdiction upon which a lot or parcel within the PD District abuts and those lot lines that establish and are coincident with the PD District boundary. "Internal lot line" shall mean those lot lines between lots or parcels of the same or different ownership, which lots or parcels are located wholly within the PD District and which lot lines are shown on the Comprehensive Plan, and including those lot lines along the rights-of-way of private or public railroads, and streets other than those of state or county jurisdiction. "Internal street" shall mean the right-of-way of a street that is located wholly within a PD District, which street may be of private or public ownership, but not including roads of state or county jurisdiction. **[Amended 6-26-1985]**
- (a) Open storage of equipment, materials or vehicles, not to exceed a height of six feet, shall be permitted but shall not be located within 100 feet of any residential district and/or street line or within 10 feet of any building. Said storage areas shall be adequately screened from adjacent uses and streets with evergreen planting and/or solid fence of at least eight feet in height. Such open storage area shall be included in the maximum percent of coverage of land by buildings.
 - (b) All areas not used for buildings, circulation, parking, storage, maintenance or utilities shall be suitably landscaped and maintained in good condition.
 - (c) No parking area shall be provided within 20 feet of an internal street or internal lot line or within 15 feet of any building. No parking area shall be permitted within 50 feet of residential zoning districts, 25 feet of state or county highways and 25 feet of any external lot line or PD District boundary. Landscaping shall be provided in accordance with § 285-38 of this chapter. **[Amended 8-13-1996 by L.L. No. 7-1996 ; 4-29-1997 by L.L. No. 6-1997]**
 - (d) Suitable access for emergency vehicles shall be provided for all structures in the

42. Editor's Note: Former Subsection (B)(3)(b), as amended, permitting planned developments having a minimum parcel area of 10 contiguous areas under certain conditions, which immediately followed this subsection, was repealed 10-25-2017 by L.L. No. 5-2017.

planned development.

- (e) At no time in the development process shall the permitted commercial development exceed the proportion of commercial to total use as specified in Subsection B(3)(a) or (b) above, as applicable.
 - (f) Minimum buffer required around the entire planned development shall be 100 feet, with parking areas permitted within said buffer, and as limited hereinabove. No building shall be located within 200 feet of any residential property or district except when the property situated in such residential district is a public or private utility right-of-way, in which case no building shall be located within 100 feet thereof. No building shall be located within 100 feet of any zoning district boundary, external lot line or the right-of-way of a road of state or county jurisdiction. No building shall be located within 50 feet of any internal lot line or internal street. Landscaping shall be provided in accordance with § 285-38 of this chapter.
- (5) Site and structure requirements.
- (a) Natural features, such as streams, rock outcrops, topsoil, trees and shrubs, shall be preserved and incorporated in the landscaping of the development.
 - (b) Where adequate surface drainage is not possible by grading alone, a supplementary drainage system, approved by the Town of Greenburgh, shall be required.
 - (c) To improve the quality of the environment and to reduce inconvenience during bad weather, all electrical and telephone equipment shall be installed underground.
 - (d) Lot sizes, dimensions and locations thereon may be freely disposed of, and buildings may be arranged in conformity with the overall density standards set forth herein. Minimum lot size or frontage and maximum percentage of lot coverage are not specified herein. In reviewing any application for a planned development, the Planning Board shall be guided by standards set elsewhere in this chapter for comparable uses and by common good planning practice, to the extent that the resulting development shall be compatible with the surroundings, and to assure the stability of the uses proposed to be developed on the site.
 - (e) The right-of-way and pavement widths for internal roads shall be determined from sound planning and engineering standards to be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and police or emergency vehicles. The pavement of said roads shall be not less than 24 feet wide. All streets shall be subject to all other applicable Town ordinances.
 - (f) The developer shall provide all necessary water and sewer facilities, storm drainage, highway access, paved service streets, parking and loading facilities and off-street lighting, making reasonable provisions for utility service connections with adjoining properties in other ownerships. Such proposed improvements shall be subject to review by the Department of Public Works of the Town of Greenburgh, New York.

- (g) After approval of the comprehensive plan, development may be approved for sections which shall be in accordance with the comprehensive plan for the District and which may be divided into separately owned, leased or rented building lots. Said development shall be subject to site plan approval in accordance with Article VIII herein. The minimum lot size for said lots shall be 80,000 square feet.
- (h) None of the other provisions of this chapter dealing with the requirements set forth in Subsection B(5)(a) through (g) above shall apply but shall serve as a general guide to the Planning Board in its review of development plans.

C. Application procedure and approval process.

- (1) Application for zoning change to planned development. Petition for a zoning change to permit a planned development shall be made to the Town Board of the Town of Greenburgh in accordance with Article IX of this chapter. The Town Board shall, upon receipt of said petition, refer the planned development request to the Planning Board for a report and recommendation in accordance with procedures as established in Subsection C(2) of this section.
- (2) Application for comprehensive plan approval.
 - (a) In order to allow the Planning Board and the developer to reach an understanding on basic design requirements, the developer shall submit a comprehensive plan of this proposal to said Board as well as proof of ownership or ownership agreement. The plan shall be drawn to a suitable scale of approximately one inch equals 200 feet. Said comprehensive plan shall clearly show the following:
 - [1] The general outline of the interior road system and all existing and proposed rights-of-way and easements, whether public or private.
 - [2] Delineation of the various use area indicating the floor area, general location of buildings and major parking areas, buffer areas, etc.
 - [3] Illustrative site plan indicating the type of site planning contemplated for the various major land uses.
 - [4] Sketches and elevations showing general architectural treatment contemplated.
 - [5] Surrounding land uses and distance of nearby buildings to the planned development site and proposed method of protecting adjoining land uses from any adverse influences of development.
 - [6] The proposed water, storm and sanitary sewer systems and how said systems are proposed to be connected to the systems of adjoining areas.
 - [7] Environmental characteristics of the planned development and adjoining areas within 50 feet of all planned development boundaries, including topography, areas of slope in excess of 20%, soils, rock outcrops, streams, flood hazard areas, floodways, swamps, lakes, ponds and other wetlands and all proposed alterations of said environmental characteristics.

- [8] Estimates of the peak hour traffic generation derived from the proposed development and the relation of the peak traffic to surrounding roads and intersections, including methods developed for alleviating traffic problems.
- [9] A statement as to how the proposal would meet the official planning objectives of the Town of Greenburgh.
- (b) Every application for a planned development shall be accompanied by a fee of \$300 to help defray the costs of processing the planned development application. The applicant shall also be required to bear the expense of any technical assistance which the Town deems necessary to assist in the review of the technical aspects of the planned development, up to a maximum of \$100 per acre of land within the planned development.
- (c) The Planning Board, with the assistance of the Town Department of Community Development and Conservation and Department of Public Works, shall review the comprehensive plan and all related documents and shall render either a favorable report to the Town Board or an unfavorable report to the applicant and the Town Board. The Planning Board may, at its discretion, recommend conditions or improvements in the comprehensive plan to the Town Board in the decision as to the appropriateness of the PD rezoning request. The Planning Board may call upon Westchester County Planning Department, the Soil Conservation Service and any technical assistance it feels is necessary to provide a sound review of the proposal.
- [1] The Secretary to the Planning Board shall certify when all of the necessary application material has been presented. The Planning Board shall submit its report within 90 days of such certification. If no report has been rendered after 90 days, the applicant may proceed as if a favorable report were given to the Town Board.
- [2] A favorable report shall include a recommendation to the Town Board that a public hearing be held for the purpose of considering the desirability of rezoning the subject property in a PD District. The report shall be based on the following findings, which shall be included as part thereof:
- [a] The proposal meets the intent and objectives of the PD District as expressed in Subsection A.
- [b] The proposal meets all the general requirements of Subsection B.
- [c] The proposal is conceptually sound in that it meets a community need and it conforms to accepted design principles in its layout of the proposed functional roadway system, in its land use configuration, utility and drainage systems, in its landscape and buffer provisions and in the scale of the elements, both absolute and as they relate to one another.
- [d] There are adequate public facilities, services, utilities and road access available or proposed to be made available in the construction of the development.

[e] That adverse environmental impacts are minimized.

[3] An unfavorable report shall state clearly the reasons therefor and, if appropriate, point out to the applicant what might be necessary in order to receive a favorable report. The applicant may, within 10 days after receiving an unfavorable report, file an application with the Town for an amendment of the Zoning Map to place the subject property in a PD District. The Town Board may then determine, on its own initiative, whether or not it wishes to schedule a public hearing.

(3) Town Board action on the application for rezoning to a PD District.

(a) Upon receipt of a favorable report from the Planning Board or upon its own determination subsequent to an appeal from an unfavorable report, the Town Board shall set a date for and conduct a public hearing for the purpose of considering an amendment to the Zoning Map to place the subject property in a planned development district and the official adoption of the comprehensive plan for the planned development. Said public hearing shall be conducted within 45 days of the receipt of the favorable report or appeal from an unfavorable report.

(b) The Town Board shall refer the application to the Westchester County Planning Department for its analysis and recommendations. The Town Board shall also refer the application to other appropriate Town authorities for their review. All reports shall be submitted within 30 days.

(c) The Town Board shall approve or disapprove the application in accordance with the provisions of Article IX of this chapter.

(4) Conditions on planned development approval.

(a) The Town Board may, at its discretion, attach any reasonable conditions on an approved planned development comprehensive plan as deemed necessary to assure the intent and objectives of the planned development regulations, as specified in Subsection A of this section.

(b) Approval of the planned development comprehensive plan, with any conditions, shall be duly noted on the Zoning Map of the Town of Greenburgh, New York. Once the planned development is approved, the comprehensive plan, as submitted to the Planning Board and as subsequently revised or conditioned by the Town Board, shall be in effect in the site, and all future site plans for individual buildings shall be designed and building permits issued within the framework of said comprehensive plan.

(c) The implementation of the planned development shall be subject to the following:

[1] Securing of site plan approval in accordance with the procedures set forth in Article VIII of this chapter.

[2] Compliance with all conditions and requirements as may be set forth by the Town Board in its granting the PD District.

- D. Performance guaranty. The Planning Board may require that public improvements and landscaping be secured by a performance guaranty in the same manner as prescribed in the Town subdivision regulations.
- E. Changes in the planned development comprehensive plan. The planned development comprehensive plan, as approved by the Town Board, shall be in effect unless the applicant elects to submit a revised comprehensive plan in accordance with Subsection C of this section or unless no development is initiated in the planned development within the first 18 months after Town Board approval. A comprehensive plan shall be revised at the discretion of the developer or if a substantial alteration to the access patterns, major traffic conditions, or substantial changes in floor area or land use are proposed. Said revised comprehensive plan shall be received and reviewed as new applications for a planned development, subject to Subsection C of this chapter. The Planning Board shall approve, disapprove or approve with conditions the revised comprehensive plan. Disapproval of the revised plan on a previously approved planned development shall mean that the originally approved comprehensive plan and the planned development remain in effect on the site.
- F. Relation to previously zoned planned development parcels. All properties zoned planned development as of the effective date of this section shall not be required to comply with Subsection C of this section.

§ 285-35. UR Urban Renewal District.

A. Principal uses.

- (1) A district within an area designated as an urban renewal area under § 504 of the General Municipal Law of the State of New York and subject to the provisions of a duly approved Urban Renewal Plan. Within such district, no development on a site may be approved until a comprehensive development plan for such a site shall first have been approved by the Town Board after a public hearing. Following approval by the Town Board of a comprehensive development plan for a site, such a site may be divided into separately owned or leased parcels and buildings without the requirement of any further approval under Chapter 250 of the Code of the Town of Greenburgh, or the Large Scale Development Ordinance of the Town, Chapter 30⁴³ of the Code of the Town of Greenburgh, provided that each such separate parcel shall comply with all other ordinances and regulations of the Town, including this chapter of the Code of the Town of Greenburgh.
- (2) Any of the following uses, provided that the same shall be in accordance with the approved Urban Renewal Plan and that none shall be designed, used or operated so as to transmit beyond the district boundaries any offensive noise, gases, fumes, smoke, odors, dust, vibrations, glare or cause any nuisance:
 - (a) Residential A, low- and medium-density. Permitted use of parcels designated Residential A, low- and medium-density, shall be single-family and two-family dwellings; multifamily dwellings, such as townhouses or garden apartments; small recreation areas or tot-lots; and off-street parking facilities in connection with

43. Editor's Note: Former Ch. 30, Large Scale Development, adopted 2-13-1957, was repealed 5-8-1983.

residential uses. In multifamily dwellings, professional offices as permitted in and limited in one-family residence districts, except that no professional office shall be above the ground floor. **[Amended 7-8-1987 by L.L. No. 3-1987]**

- (b) Residential B, medium- and high-density. Permitted use of parcels designated Residential B, medium- and high-density, shall be multifamily apartment buildings, off-street parking and open space and recreational facilities incidental to residential uses.
- (c) ⁴⁴Public and semipublic. Permitted use of parcels designated public and semipublic shall be religious institutions, including rectory, parsonage or church office, and related uses such as off-street parking, neighborhood community center, child-care facility, clubs and fraternal organizations, firehouses and off-street parking and loading facilities in connection with the permitted uses.
- (d) Neighborhood shopping.

[1] Permitted use of parcels designated neighborhood shopping shall be retail and service establishments, banks, fraternal organization meeting facilities, offices, fully enclosed commercial recreation facilities and uses accessory and incidental to commercial recreation facilities and off-street parking and loading facilities in connection with permitted uses. Under no circumstance shall a massage establishment be permitted without a special use permit from the Town Board, pursuant to the procedures and standards set forth in § 285-36T of this chapter. **[Amended 11-9-2015 by L.L. No. 14-2015]**

[2] Subsection A(2)(d) shall include restaurants, as defined herein, as a permitted use in an Urban Renewal Neighborhood Shopping District. The term "restaurant," defined under this subsection, shall mean a facility for the sale of food and beverages, or either of them, to be consumed on the premises, luncheonette, coffee shop, confectionery and snack bar, but shall not include a diner or similar structure, outdoor counter service, drive-in or curb service. Under no circumstances shall a quick eating and drinking establishment, as defined in § 285-5, be included within this District. No such restaurant, as defined herein, shall be located closer than 500 feet to another such restaurant existing or proposed, and under no circumstances shall there be more than two restaurants located within the URNS District. **[Amended 1-10-2018 by L.L. No. 1-2018]**

- (e) Planned commercial development. Permitted use of parcels designated planned commercial development shall be retail sales, including service establishments; banks; restaurants; theaters; offices for business or professional establishments; manufacturing and scientific research and development; recreational facilities; light manufacturing, processing and assembly uses; wholesale distribution and warehousing, but not including a truck terminal or gasoline station as principal uses. Also permitted shall be off-street parking and loading facilities in connection

44. Editor's Note: Former Subsection A(2)(c), Residential C, housing for the elderly, was repealed 1-10-2018 by L.L. No. 1-2018. Local Law No. 1-2018 also redesignated former Subsection A(2)(d) through (g) as Subsection A(2)(e) through (f).

with the permitted uses and uses customarily accessory or appurtenant to the principal uses set forth above; provided, however, that such accessory uses shall not include the sale of gasoline to members of the general public. Under no circumstance shall a massage establishment be permitted without a special use permit from the Town Board, pursuant to the procedures and standards set forth in § 285-36T of this chapter. **[Amended 11-9-2015 by L.L. No. 14-2015 ; 1-10-2018 by L.L. No. 1-2018]**

- (f) General commercial. Permitted uses shall be as permitted in the Neighborhood Shopping District, except that, when specifically designated, the alternate use shall be permitted to allow the development of a gasoline service station. However, no auto repair work or painting shall be permitted in connection with the gasoline service station. **[Amended 1-10-2018 by L.L. No. 1-2018]**

B. Town Board special permit uses: **[Added 8-17-2005 by L.L. No. 3-2005 ⁴⁵]**

- (1) Clinic, dental or medical, pursuant to the procedures and standards set forth in § 285-25A(4)(j) of this chapter.
- (2) Massage establishments, subject to the procedures and standards set forth in § 285-36T of this chapter. **[Added 11-9-2015 by L.L. No. 14-2015]**

C. Planning Board special permit uses. **[Added 1-10-2018 by L.L. No. 1-2018 ⁴⁶]**

- (1) Motor vehicle sales uses and motor vehicle sales lots in the Neighborhood Shopping and General Commercial Subdistricts of the UR District, subject to the following:

(a) General standards.

- [1] Each special permit use shall be reasonably necessary for the public health or general interest or welfare.
- [2] Each special permit use shall be of such character, intensity, size and location that, in general, it will be in harmony with the orderly development of the district in which the property concerned is situated and will not be detrimental to the orderly development of adjacent districts.
- [3] Each special permit use shall be so located in order to be adequately serviced by transportation facilities, water supply, waste disposal, fire and police protection and similar services.
- [4] Each special permit use sought which adjoins or abuts a residence district shall be so located in the lot involved that it shall not impair the use, enjoyment and value of adjacent residential properties.
- [5] Each special permit use shall not create pedestrian or vehicular traffic hazards because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections, or its

45. Editor's Note: This local law also redesignated former Subsection B as Subsection C.

46. Editor's Note: This local law also redesignated former Subsection C as Subsection D.

location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings.

- [6] Each special permit use shall not include the display of signs, noise, fumes or lights that will hinder normal development of the district or impair the use, enjoyment and value of adjacent land and buildings.

(b) Specific standards.

- [1] Minimum lot size: 40,000 square feet.
- [2] Maximum height: 2 1/2 stories, not to exceed 30 feet.
- [3] Maximum floor area ratio: 0.35.
- [4] Parking requirement: one parking space per 200 square feet of indoor retail sales area of the motor vehicle sales use.
- [5] The motor vehicle sales use and motor vehicle sales lot shall be suitably screened from adjoining residential districts and other neighboring uses with landscaping amenities along the site's frontage, including, but not limited to, planted evergreen buffers of appropriate height, type, spacing and arrangement, shrubs and bushes, or fencing approved by the Planning Board. Should such vegetative screening become diseased, dying or dead, it shall be replaced by the next growing season.
- [6] The owner/operator of the motor vehicle sales use and motor vehicle sales lot shall provide evidence that all existing sidewalks abutting the property are in good condition and remain unobstructed. The sidewalks shall be maintained to the satisfaction of the Commissioner of the Department of Public Works and/or in accordance with NYSDOT standards. Where sidewalks in these locations do not exist, new sidewalks must be designed and installed in connection with the applicable Department of Public Works and/or NYSDOT approval process.
- [7] All repair work must be done within a totally enclosed building.
- [8] The outdoor storage of motor vehicles is limited to new motor vehicles for sale on the premises and used motor vehicles acquired as trade-ins or purchases in connection with the sale of new motor vehicles. Plans submitted in support of the special permit shall depict the location of spaces for vehicles that are waiting to be serviced.
- [9] The accessory motor vehicle repair shop and motor vehicle storage shall continue so long as the sale of new motor vehicles continues and both are conducted under the same ownership as one enterprise.
- [10] Off-site storage of motor vehicles may be allowed if such use is permitted in the off-site underlying zoning district and shall be subject to the applicable approval process.

[11] An application for a special use permit pursuant to this section must include an offloading/loading plan detailing how inventory will be delivered to and picked up from the lot in a manner that will be in conformity with the New York State Vehicle and Traffic Law and not obstruct traffic on Route 119 and adjacent streets or sidewalks.

- (c) Conditions. Upon finding that the standards set forth above have been fully met, the Planning Board shall grant a special use permit for a motor vehicle sales use and motor vehicle sales lot. In so doing, the Planning Board may impose any reasonable conditions that it deems necessary to achieve the standards set forth herein.
- (d) Planning Board special use permit procedure for a motor vehicle sales use and motor vehicle sales lot.

[1] An application for a special use permit for a motor vehicle sales use and motor vehicle sales lot shall be submitted to the Department of Community Development and Conservation, in writing.

[a] The application shall include but not be limited to the following: the name and location of the motor vehicle sales use and motor vehicle sales lot; the name and address of the lot owner; the name and address of the agent or manager who will operate the facility. A layout plan shall also be submitted indicating the location and the type of the general landscaping, evergreen screening or fencing, ingress and egress, curbing, sidewalks, retaining walls, and lighting provided so as to minimize its impact upon the immediate area. The application shall also include a site plan of the lot showing the location of the principal and any accessory buildings.

[b] In the event that site plan approval is required pursuant to Article VIII of this chapter, the special use permit application shall include a site plan containing all applicable matters required by Article VIII hereof.

[2] Public hearing required.

[a] Unless extended by mutual consent of the applicant and the Planning Board, a public hearing on an application for a special use permit for a motor vehicle sales use and motor vehicle sales lot shall be scheduled and conducted by the Planning Board within 62 days after the certification by the Commissioner of Community Development and Conservation of receipt of a complete application. To the extent possible, such public hearing shall take place at the same time as any other public hearing required to be held by the Planning Board in regard to motor vehicle sales uses and motor vehicle sales lots.

[b] Notice of such public hearing shall be published in the official newspaper of the Town and mailed by the applicant to property owners within 500 feet of the perimeter of the subject property at least 10 days

prior to such public hearing. Proof of such mailing shall be provided to the Town Clerk not less than five days before the public hearing is held. The cost of such notice shall be borne by the applicant.

[3] Action of the Planning Board.

[a] Unless extended by mutual consent of the applicant and the Planning Board, within 62 days of the date on which a public hearing is closed, the Planning Board shall, by resolution, act on said application and shall specify what conditions, if any, are being imposed.

[b] All Planning Board actions on applications for special use permits for motor vehicle sales uses shall be recorded on forms prescribed by the Planning Board, shall fully set forth the vote and findings of the Planning Board and the materials upon which its action is based, and shall be filed in the office of the Town Clerk.

[4] Special use permit time limit. A special use permit under this section for a particular site, once approved by the Planning Board, shall not expire unless the motor vehicle sales use and motor vehicle sales lot cease on the site.

(2) Battery Energy Storage Systems in the Neighborhood Shopping and Planned Commercial Subdistricts of the UR District subject to conditions set forth in § 285-37.1 of this chapter. **[Added 8-11-2021 by L.L. No. 5-2021]**

D. Additional regulations, controls and restrictions. Additional regulations, controls and restrictions are as follows:

(1) Building controls. Provisions controlling maximum densities, building height, land coverage, setbacks and open space shall be as set forth by land use in Table III,⁴⁷ which is incorporated herein.

(2) Off-street parking regulations.

(a) Provisions regulating minimum off-street parking space requirements shall be as set forth by land use in Table IV,⁴⁸ which is incorporated herein. Each parking space specified in Table IV shall be not less than nine feet wide and 20 feet long, exclusive of passageways and driveways giving access thereto.

(b) Access to surface parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street. Exits and entrances from surrounding streets shall not be less than 30 feet from any street intersection. Parking areas shall be adequately drained and paved with a hard, all-weather, dust-free surface. Lighting used to illuminate parking areas shall be arranged so as to reflect light away from any adjoining parcel. Open parking areas for more than five cars shall be landscaped with trees and shrubs provided along the boundaries of such areas. Wherever an off-street parking area required for a

47. Editor's Note: Table III is included at the end of this chapter.

48. Editor's Note: Table IV is included at the end of this chapter.

nonresidential use abuts a residential use and is not separated by a difference in grade of 10 feet below the residential use, suitable buffering consisting of fencing and compact planting shall be provided and maintained within the parking area, between the two uses and along the boundary lines of the parking or loading areas, exclusive of points of ingress and egress.

(3) Off-street loading regulations.

- (a) Provisions regulating minimum off-street loading berth requirements shall be as set forth by land use in Table V,⁴⁹ which is incorporated herein.
- (b) Access to loading berths shall be only from a service drive and shall be provided in a manner to eliminate interference with public use of sidewalks and streets by vehicles loading or unloading. Each loading berth shall be not less than 12 feet in width, 35 feet in length and 12 feet in height. Loading areas shall be adequately drained and paved with an all-weather dust-free surface and provided with adequate buffering and appurtenant landscaping. Lights used to illuminate loading areas shall be arranged so as to reflect light away from the adjoining parcel.
- (c) Whenever an off-street loading area required for nonresidential use abuts a residential use and is not separated by a difference in grade of 10 feet above or below the residential use, suitable buffering consisting of fencing and compact evergreen or other similar compact planting shall be provided and maintained within the parking area, between the two uses and along the boundary lines of the parking or loading areas, exclusive of points of ingress and egress.

(4) Landscaping. All open space required by the building controls contained in Table III⁵⁰ shall be landscaped or paved in a manner appropriate to its use. Where an off-street parking or loading area developed in conjunction with a nonresidential use abuts a residential use, a landscaped buffer strip shall be provided by the nonresidential use. Said buffer strip shall be not less than 10 feet in width and shall include a shrubbery strip at least five feet in width, of which at least 1/2 shall be of suitable evergreens.

(5) Definitions. As used in this section, the following terms shall have the meanings indicated:

COMPREHENSIVE DEVELOPMENT PLAN — A plan for a site which shall contain the following information:

- (a) The location of proposed structures, type of proposed uses for each building, existing topography and general grading and drainage proposals, floor elevations of buildings, parking and loading areas, points of access, major landscaped areas, proposed screening treatments and major public and municipal utility lines.
- (b) The height and bulk of proposed buildings in the development.
- (c) A chart of appropriate data demonstrating compliance with the urban renewal

49. Editor's Note: Table V is included at the end of this chapter.

50. Editor's Note: Table III is included at the end of this chapter.

plan and Zoning Ordinance requirements. A comprehensive development plan may be amended from time to time, and any such amendment to a comprehensive development plan shall be deemed to be approved if the construction plans, as defined in and submitted pursuant to a land disposition agreement, identify such amendment and such construction plans are approved by the Town Board.

LAND DISPOSITION AGREEMENT — An agreement between the Town and one or more redevelopers for the sale and development of a site in an urban renewal area which is subject to the approval of the Secretary of Housing and Urban Development of the United States, the New York State Division of Housing and Community Renewal and the Town Board in accordance with the procedures of the General Municipal Law of the State of New York.

SITE — A parcel or parcels of land in excess of 10,000 square feet which is the subject of a land disposition agreement.

- (6) Accessory uses. [**Added 8-11-2021 by L.L. No. 5-2021**]
 - (a) Battery Energy Storage Systems, subject to conditions set forth in § 285-37.1 of this chapter.