

§ 295-67. One-Family Residence (R-20) Districts. [Amended 3-21-1995 by L.L. No. 3-1995; 8-12-1997 by L.L. No. 7-1997; 2-17-1998 by L.L. No. 1-1998; 6-15-1999 by L.L. No. 3-1999; 6-6-2000 by L.L. No. 1-2000; 1-21-2003 by L.L. No. 1-2003]

A. Principal uses. The following uses are permitted principal uses in an R-20 District:

- (1) One-family detached dwellings, not to exceed one per lot.
- (2) Municipal parks, municipal playgrounds and municipal conservation areas, including the customary accompanying refreshment and service buildings.
- (3) Places of worship, parish houses and buildings for religious education, provided that:
 - (a) No more than one family shall live on the site;
 - (b) The lot on which they are located shall front on or have direct and convenient access to a major or collector road, as determined by the Planning Board;
 - (c) All buildings and structures on the lot shall together cover not more than 15% of the site area, nor shall the sum total of land covered with buildings and paved areas exceed 40% of the site area;
 - (d) All new principal buildings shall have a minimum front yard of 40 feet and minimum side and rear yards of 40 feet each, provided that no side or rear yard shall equal less than 1 1/2 times the height of the building wall nearest that lot line; and
 - (e) Off-street parking and loading facilities shall not be permitted in the front yard, except for necessary access drives, nor shall such facilities be located within any required yard, but in any event not within 20 feet of any adjoining property in a residence district. The Planning Board may, however, permit up to 10% of the required off-street parking spaces to be located in the front yard (other than in the required front yard), provided that the Planning Board finds that the parking is designed and limited to visitor use and provided further that the parking is attractively landscaped and maintained, and further provided that the Planning Board determines that the front yard parking is necessary to facilitate an improved parking and traffic circulation system on the site.

B. Principal uses requiring a special use permit. The following uses are permitted principal uses in an R-20 District but require a special use permit issued pursuant to Article X of this chapter:

- (1) Schools and day nurseries, provided that:
 - (a) They occupy a lot with an area of not less than three acres plus one acre for each 100 pupils for which the building is designed; and
 - (b) They comply with the requirements set forth in Subsection A(3)(b) through (e) above.
- (2) Libraries and museums, provided that they comply with the requirements set forth in Subsection A(3)(b) through (e) above.
- (3) Hospitals, nursing homes or convalescent homes, provided that: **[Amended 12-17-2019 by L.L. No. 14-2019]**
 - (a) They shall occupy a lot of not less than 20 acres that has not less than 1,500 feet of frontage on a state highway; and

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(b) They shall comply with the requirements set forth in Subsection A(3)(b) through (e) above.

(4) Assisted living housing, active adult/independent living housing, continuum of care facility, provided that: **[Amended 12-17-2019 by L.L. No. 14-2019]**

- (a) They shall occupy a lot of not less than five acres;
- (b) They shall be located at least 75 feet from any street or lot line and contain accommodations for not more than five beds per acre; and
- (c) They shall comply with the requirements set forth in Subsection A(3)(b) through (c) and (e).

(5) Public utility substations, public utility transmission and distribution lines, public utility water towers and railroads and public utility rights-of-way and structures necessary to provide service within the Village, but not personal wire service facilities, except as permitted by § 295-85 of this chapter, provided that:

- (a) Any lot on which a public utility substation or water tower is located shall have an area of at least 7,500 square feet and a frontage of at least 75 feet. The station or tower shall be set back at least 30 feet from the front property line and 20 feet from all other property lines and shall be enclosed by protective fencing and a gate which shall be closed and locked except when necessary to obtain access thereto;
- (b) Any such facilities shall be so designed, enclosed, painted or colored and screened with evergreens that they will be harmonious with the neighborhood in which they are located. All such property shall be suitably landscaped and maintained in reasonable conformity with the standards of property maintenance of the neighborhood in which it is located;
- (c) All new or additional power transmission or distribution lines shall be placed underground, wherever possible; and
- (d) They shall comply with the requirements set forth in § 295-95 of this chapter.

C. Accessory uses. The following uses are permitted accessory uses in an R-20 District but only in conjunction with a principal use that is permitted in an R-20 District

- (1) The office or studio of an architect, artist, dentist, engineer, lawyer, musician, teacher, physician or similar profession, but not including veterinarians, provided that
 - (a) The office or studio is incidental to the residential use of the premises and is carried on by a resident therein with not more than one nonresident assistant, including partners, associates and part-time and full-time employees;
 - (b) The office or studio shall not occupy more than 30% of the area of one floor of the main building;
 - (c) The office or studio shall not create a nuisance to any surrounding residents;
 - (d) There shall be no outside storage and no display, advertising or other visible evidence of the use outside the building in which it is located, except for a single identification nameplate not exceeding one square foot in area; and
 - (e) The parking area shall be subject to site plan review to determine that it is of adequate size

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for the particular use, suitably screened with evergreen planting, walls or fences or combinations thereof, and with entrance and exit drives designed in a safe and adequate manner.

- (2) Customary home occupations, as defined in § 295-5 of this chapter, provided that
 - (a) The occupation is incidental to the residential use of the premises and is carried on in the main building by a resident therein with not more than one nonresident assistant, working at the same time, including partners, associates and part-time and full-time employees;
 - (b) Only customary household tools, appliances and equipment are used;
 - (c) The occupation does not occupy more than 30% of the area of one floor of the main building;
 - (d) The occupation does not create a nuisance to any surrounding residents;
 - (e) The use does not create waste disposal requirements significantly in excess of those normally produced in a residential district unless a suitable method for the disposal of such wastes is provided, as determined by the approving authority;
 - (f) There shall be no outside storage and no display, advertising or other visible evidence of the use outside the building in which it is located, except for a single identification nameplate not exceeding one square foot in area;
 - (g) All products sold on the premises shall be made on the premises, except for the sale of items that are incidental to the provision of a permitted service;
 - (h) There shall be no mechanical or structural fabrication, assembly or processing of any products or items, except that which is incidental to the permitted accessory use;
 - (i) The parking area shall be subject to site plan review to determine that it is of adequate size for the particular use, suitably screened with evergreen planting, walls or fences or combinations thereof, and with entrance and exit drives designed in a safe and adequate manner;
 - (j) No more than one commercial vehicle, which vehicle shall be less than three-fourths-ton in design capacity, shall be used in connection with such a permitted accessory use. Such vehicle shall be housed in an enclosed garage when not in actual use; and
 - (k) Where the proposed use involves structural alterations or additions requiring a building permit, the use shall be permitted only if the structure in which it is to be located is deemed by the Building Inspector to be adaptable to the proposed use from the point of view of public health and safety and the other requirements of this chapter, and shall conform to all height and yard requirements of this chapter.
- (3) Storage and parking of trailers, boats and snowmobiles, provided that: **[Amended 9-7-2010 by L.L. No. 6-2010]**
 - (a) No more than one boat, one trailer and one snowmobile may be parked or stored on a lot, except that a boat may be parked or stored on a boat trailer;
 - (b) Any boat (with its trailer) or snowmobile shall either be parked or stored fully enclosed in a garage or similar structure or, if parked or stored outside, shall be parked or stored at

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least 10 feet from any side or rear lot line and at least 20 feet from the front lot line;

- (c) The trailer shall not exceed 140 square feet in horizontal cross-section area and, except as provided in § 295-51, shall be parked or stored fully enclosed in a garage or similar structure; and
- (d) The parking or storing of a trailer or boat or snowmobile shall not impair the provision of the required off-street parking for the structure or land use on that lot as specified in this chapter.
- (4) A garden house, toolhouse, playhouse, greenhouse or similar occupancy use customarily incident to the permitted principal use of the premises and not operated for profit.
- (5) A swimming pool, provided that it complies with this chapter.
- (6) Off-street parking facilities, but not portable carports or similar structures, serving the permitted principal and accessory uses in the lot and conforming with this chapter. **[Amended 8-5-2008 by L.L. No. 24-2008]**
- (7) Signs, but only the following, and provided that they comply with § 295-50 of this chapter:
 - (a) For dwellings, one sign per lot, not exceeding two square feet in area, giving the name of the property and/or occupants of the premises, and one additional sign, not more than one square foot in area, identifying any profession or occupation permitted as an accessory use on the lot.
 - (b) For permitted principal uses other than dwellings, one sign placed at each street frontage where the use has an access drive, provided that the total area of all such signs does not exceed 40 square feet and no one sign exceeds 25 square feet.
 - (c) One "For Sale" or "For Lease" sign or one "Sold" sign per lot, not exceeding six square feet in area. A "Sold" sign shall not be displayed for more than 30 days after the date of the execution of the contract of sale. Such signs shall not be illuminated and shall not contain luminous or reflective material.
 - (d) Temporary identifying signs, not over six square feet in area, and not more than one for each street frontage of the lot, during the course of construction only. Such signs shall not be illuminated and shall not contain luminous or reflective material.
- (8) Roof-mounted solar panels. **[Added 11-7-2017 by L.L. No. 3-2017]**

D. Boarders and accessory apartments.

- (1) Statement of purposes.
 - (a) It is the purpose of this subsection to legalize and control boarder units and accessory apartments in single-family residences in the Village of Hastings-on-Hudson and to assure that accessory dwelling units do not contribute to traffic congestion and parking problems, and that they meet minimum health, fire and safety standards.
 - (b) It is the further purpose of this subsection to create small rental housing units without increasing density, by utilizing existing housing stock and resources. This subsection is also intended to provide economic support for resident families, particularly the elderly and those of moderate income, and to encourage diversity in the population of the Village

of Hastings-on-Hudson.

(c) To help achieve these purposes, and to promote the other objectives of this chapter and the Planning Principles outlined by the Planning Board, including the promotion of the health, safety and welfare of the residents of the Village of Hastings-on-Hudson, the following specific standards are set forth for boarders and accessory apartments.

(2) Accessory uses requiring a boarder permit or an accessory apartment permit. The following uses are permitted accessory uses in an R-20 District but require a boarder permit or an accessory apartment permit issued pursuant to the provisions detailed in this section:

(a) Boarders. (NOTE: "Boarder" is defined in § 295-5 of this chapter as follows: "Boarder" or "roomer" means a person who permanently occupies a room in a dwelling unit for sleeping purposes for which he or she pays compensation to the property owner.)

[1] In a single-family dwelling, not more than two nontransient boarders or roomers shall be permitted, provided that the following conditions are met:

[a] The applicant property owner must occupy as a principal residence the premises for which permission is sought to house boarders or roomers, and the applicant must have occupied said premises for at least 24 months immediately preceding the date of the application.

[b] Each sleeping room utilized by a single boarder shall have not less than 100 square feet of floor area, exclusive of closet space, in any such room, and each sleeping room utilized by two boarders shall have not less than 120 square feet of floor area, exclusive of closet space, in any such room.

[c] The dwelling may not have an accessory apartment, nor may any accessory apartment exist in any other building on the property.

[d] The dwelling shall be in compliance with this chapter and all applicable building, fire, electrical, health and other safety codes.

[e] In addition to the parking requirements for the principal dwelling and other permitted uses, one off-street vehicular parking space must be provided for each boarder or roomer. Boarders and/or roomers shall be permitted to keep on the subject premises only regular passenger automobiles or motorcycles.

[f] Food storage and microwave ovens are permitted after issuance of a boarder permit by the Building Inspector. Refrigerated food storage shall be limited to six-cubic-foot-capacity storage units. Nonrefrigerated food storage will not be included in the limitation. Microwave ovens shall be utilized on a table or bench not to exceed 36 inches in height.

[g] For each boarder the property owner must obtain a boarder permit from the Building Inspector. The boarder permit may be issued by the Building Inspector only after the subject application is reviewed and approved by him or her. Such review shall include but not be limited to a physical inspection of the property to ascertain the adequacy of the structure to accommodate such use, and the adequacy of the site to provide appropriate off-street parking facilities.

[2] Every application for a boarder permit shall be accompanied by a fee to be set by the

Board of Trustees pursuant to § 295-152 of this chapter.

- [3] A boarder permit shall be issued for a period of not more than two years.
- [4] The Building Inspector shall establish all rules and regulations necessary to administer the provisions of this section. A record of all such permits shall be kept in the office of the Building Inspector.
- [5] There shall be a limitation on the issuance of boarder permits so that not more than 100 boarder permits are in existence during any calendar year.
- [6] All owners of dwellings that house one or more roomer or boarder on the effective date of this subsection shall apply to the Building Inspector for a boarder permit within 90 days of the effective date of this subsection. If application is made within 90 days, the owner of the dwelling shall not be deemed in violation of this subsection until a final determination on the application has been made. If application is not made within 90 days, the owner of the dwelling shall be deemed in violation of this subsection.
- [7] A boarder permit shall expire automatically upon change of ownership of the dwelling or when the owner ceases to reside in the dwelling. In such event, the roomer(s) or boarder(s) shall be permitted to reside in the dwelling for 60 days if the owner of the dwelling so consents, unless the Building Inspector approves an additional extension of time.
- [8] In the event that a dwelling with a valid boarder permit is sold or transferred, the new owner may, within 60 days from the taking of title, apply for a boarder permit. All of the conditions set forth above must be met, except the new owner need not have occupied the premises for 24 months preceding the application. If an application is submitted within the sixty-day period, the new owner shall not be deemed in violation of this subsection, notwithstanding the fact that the previous boarder permit expired. Should the new owner have (a) boarder(s) or roomer(s) but fail to apply for a boarder permit within 60 days from the taking of title, the new owner shall be deemed in violation of this chapter. In addition, the new owner shall be precluded from applying for a boarder permit for a period of one year from the date on which title was transferred.
- [9] Any property owner who houses roomer(s) or boarder(s) and who fails to obtain a boarder permit or who violates any provision of this section or any regulation made under it shall be guilty of an offense punishable by a fine of not more than \$500 upon conviction of a first offense, and, for the second and each subsequent conviction, by a fine of not more than \$1,500. Each month's continued violation shall constitute a separate additional violation. In addition to the foregoing, any owner who violates any provision of this subsection shall be subject to revocation of the boarder permit by the Building Inspector.
- (b) Accessory apartments. **[Amended 11-5-2019 by L.L. No. 12-2019]**

[1] In a single-family residence, one accessory apartment shall be permitted, provided that the following conditions are met:

[a] The owner of the single-family residence in which the accessory apartment is to be located shall occupy one of the dwelling units on the premises as a principal

residence.

- [b] An accessory apartment shall be located in the principal building or in a conforming accessory building.
- [c] An accessory apartment shall not be permitted in a residence that houses one or more boarders or roomers.
- [d] An accessory apartment permit is to be obtained from the Planning Board. An accessory apartment permit may be issued only to the owner-occupant of the principal residence at which the accessory apartment is to be located.
- [e] An applicant for an accessory apartment permit shall furnish a site plan indicating existing building and lot conditions and a dimensional floor plan of the principal building and the proposed accessory apartment. The site plan shall also include a location map showing the applicant's property and adjacent property and streets, location of existing and proposed off-street parking and ingress and egress to the site.
- [f] An accessory apartment permit may be issued by the Planning Board only after the subject application is reviewed and reported upon by the Building Inspector. Such review by the Building Inspector shall include but not be limited to a physical inspection of the residence in which the accessory apartment is to be located.
- [g] The Planning Board shall conduct a public hearing on the application for an accessory apartment permit. The hearing shall be held upon the same notice as that required for a zoning variance.
- [h] The minimum floor area for an accessory apartment shall be 300 square feet, but in no case shall it exceed 33% of the floor area of the principal dwelling, unless, in the opinion of the Planning Board, a greater or lesser amount of floor area is warranted by the specific circumstances of a particular building.
- [i] The accessory apartment shall not include more than two bedrooms.
- [j] In addition to the parking requirements for the principal dwelling and other permitted uses, one accessible and usable off-street vehicular parking space must be provided for the accessory apartment, plus one additional space for each bedroom in excess of one in the accessory apartment.
- [k] No exterior changes shall be made to the building in which the accessory apartment is located that, in the opinion of the Planning Board, would alter the single-family character and appearance of the residence.
- [l] The proposed accessory apartment shall not adversely affect the single-family character of the neighborhood. In applying this requirement, the Planning Board shall consider the effect of the proposed accessory apartment on traffic, noise, congestion, appearance and any other factor that the Planning Board deems consistent with the purposes of this subsection.
- [m] The proposed accessory apartment shall be in compliance with all applicable building, fire, electrical, health and other safety codes.

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- [2] It is the intent of this section that neighborhoods zoned as single-family maintain their single-family character. The Planning Board may deny an accessory apartment permit should it find that the number of such apartments, including the one proposed, will adversely affect the character of the zoned single-family neighborhood. In granting an accessory apartment permit, the Planning Board shall have the authority to impose such reasonable conditions and restrictions as are consistent with the spirit and intent of the Accessory Apartment Law.
- [3] Every application for an accessory apartment permit shall be accompanied by a fee to be set by the Board of Trustees pursuant to § 295-152 of this chapter.
- [4] The Planning Board shall establish all rules and regulations necessary to administer the provisions of this subsection. A record of all accessory apartment permits shall be kept in the Village office.
- [5] An accessory apartment permit shall be issued for a period of not more than three years and may be renewed by application to the Building Inspector. Notice of the renewal request shall be given by the applicant to all property owners within 100 feet by regular mail, with proof of mailing provided, advising that any objection to the renewal shall be provided to the Building Department. Prior to renewal of the accessory apartment permit, the Building Inspector shall inspect the accessory apartment and determine that all the requirements of this subsection are met. Provided that no objections are received and the Building Inspector has determined that the accessory apartment is in compliance, the Building Inspector shall renew the permit for an additional three years. If objections are filed, the Building Inspector shall have the option of forwarding the request to the Planning Board to conduct a public hearing on the renewal application on the same notice as that required for a zoning variance, except that mail notice need not be by certified mail, and to make a determination on the application.
- [6] An accessory apartment permit shall expire automatically upon change of ownership of the principal residence or when the owner ceases to occupy the residence. In such event, the tenant of the accessory apartment shall be permitted to remain in the apartment for 60 days, if the owner of the principal residence so consents, unless the Planning Board approves an additional extension of time.
- [7] In the event that a residence with a valid accessory apartment permit is sold or transferred, the new owner may, within 60 days from the taking of title, apply for an accessory apartment permit. The new owner must meet all the requirements set forth in Subsection D(2)(b)[1] of this section in order to obtain an accessory apartment permit. If an application is submitted within the sixty-day period, the new owner shall not be deemed in violation of this subsection as long as the application is pending, notwithstanding the fact that the previous accessory apartment permit expired. Should a new owner maintain an accessory apartment but fail to apply for an accessory apartment permit within 60 days from the taking of title, the new owner shall be deemed in violation of this subsection. In addition, the new owner shall be precluded from applying for an accessory apartment permit for a period of one year from the date on which title was transferred.
- [8] Any owner or builder, or agent of either of them, who fails to obtain an accessory apartment permit, who allows occupancy of an accessory apartment in violation of

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this subsection or who constructs or causes to be constructed an accessory apartment shall be guilty of an offense punishable by a fine of not less than \$1,000. Each month's continued violation shall constitute a separate additional violation. In addition to the foregoing, any owner who violates any provision of this subsection or any condition imposed by the Planning Board in granting the permit shall be subject to the revocation of the accessory apartment permit by the Planning Board.

E. Minimum lot size and width. Subject to the provisions of Subsections A through D, all lots in an R-20 District shall have an area of at least 20,000 square feet and a width of at least 150 feet.

F. Required yards; maximum building height and coverage.

(1) Subject to the provisions of Subsections A through D and § 295-82C, each building and structure in an R-20 District shall have:

(a) A front yard at least 40 feet deep;

(b) A rear yard at least 40 feet deep (eight feet in the case of accessory buildings and structures, except 15 feet in the case of accessory garden houses, toolhouses, playhouses, greenhouses and similar accessory uses, and 20 feet in the case of swimming pools, as required by § 295-52A);

(c) Two side yards totaling at least 50 feet, each of which yards is at least 20 feet (eight feet in the case of accessory buildings and structures); and

(d) Maximum heights. **[Amended 4-6-2021 by L.L. No. 1-2021]**

[1] For principal buildings and structures with pitched roofs, including gable, hip, shed and gambrel roofs:

[a] A maximum wall height at the low point of the roof, as measured to the roof edge or top plate, whichever is higher, not to exceed 23 feet;

[b] A maximum roof height of 35 feet and no more than 2 1/2 stories;

[c] dormers are permitted to encroach on the maximum wall height, as defined above, up to a maximum overall width of 25% of the total building perimeter.

[2] For principal buildings and structures with flat roofs: maximum height of 24 feet and no more than two stories.

[3] For accessory buildings and structures with pitched roofs:

[a] The maximum wall height at the low point of the roof, as measured from the roof edge or top plate, whichever is higher, not to exceed 10 feet;

[b] a maximum roof height of 15 feet.

[4] For accessory buildings and structures with flat roofs: a maximum height of 12 feet.

(2) Lot coverage. **[Amended 8-5-2008 by L.L. No. 24-2008]**

(a) For single-family dwellings:

[1] Building coverage shall not exceed 15% of the area of the lot.

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[2] Development coverage shall not exceed 25% of the area of the lot.

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(b) For all other uses, all buildings and structures on the lot shall together cover not more than 15% of the area of the lot.

G. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in the table attached as Appendix B. **[Added 10-20-2020 by L.L. No. 10-2020]**