

**VILLAGE OF WOODBURY
INTRODUCTORY LOCAL LAW NO. 1 of 2010**

A LOCAL LAW AMENDING CHAPTER 310, ENTITLED “ZONING” AND CHAPTER 272
ENTITLED “SUBDIVISION OF LAND” OF THE CODE OF THE VILLAGE OF
WOODBURY REGARDING VARIOUS ZONING RELATED MODIFICATIONS IN
CONNECTION WITH THE ADOPTION OF THE VILLAGE COMPREHENSIVE PLAN

BE IT ENACTED by the Board of Trustees of the Village of Woodbury, Orange County,
New York as follows:

Section 1. Findings.

The Village of Woodbury Board of Trustees has performed the necessary analyses and studies in connection with its review of the recommended Comprehensive Plan and Zoning Map and Text Amendments, and hereby finds that by adopting a Comprehensive Plan, compatible land use regulations and a revised Zoning Map, the Board of Trustees is providing for the planned orderly growth and development of the Village, while protecting its natural and historic character.

Section 2. Purpose.

The recently adopted Village of Woodbury Comprehensive Plan sets the direction and goals for the Village and recommends in a general way how those goals could be accomplished. The Board of Trustees is now undertaking to adopt the below changes to the Village Code which are in conformance with the Comprehensive Plan.

Section 3. Chapter 272: Subdivision of Land

Section 272-26(I) is hereby repealed and replaced with the following language:

I. Contour lines at intervals of two feet based on United States Geological Survey data of existing grades and also of proposed finished grades where change of existing ground elevation will be five feet or more. Areas containing slopes of 15% - 25% and areas containing slopes greater than 25% within a minimum area of 500 square feet shall be clearly delineated on the plans.

Section 4. Chapter 310: Zoning

Sections 310-2, 310-3, 310-11, 310-13.1, 310-16, 310-20, 310-22, 310-23, 310-28, 310-29, 310-31.2, 310-31.3, 310-32, 310-35, 310-39.4, 310-40, 310-43, 310-43.1 and 310-43.2 of the Code of the Village of Woodbury are hereby modified as noted in the following section by section listing. If a listed section presently exists in the Village Code, then such existing sections are hereby repealed and substituted with the noted language in its place. If a listed section does not presently exist, then Chapter 310 is amended to add those sections.

§ 310-2. Word usage; definitions.

A. Word usage.

- (1) Words used in the present tense include the future tense. The singular includes the plural.
- (2) The word "lot" includes the word "plot" or "parcel."
- (3) The word "shall" is always mandatory.
- (4) The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."
- (5) The word "he" also refers to "she."

B. Definitions. For the purposes of this chapter, certain terms or words used herein shall be interpreted or defined as follows. Any word or term not noted below shall be used with a meaning as defined in the latest edition of Webster's Third New International Dictionary of the English Language.

ACCESSORY BUILDING — A subordinate or supplemental building, the use of which is customarily incidental to that of the principal building.

ACCESSORY USE — A subordinate or supplemental use customarily incidental to the principal use and located on the same lot with such principal use.

ACRE — A land area of 43,560 square feet.

ADULT BOOKSTORE — An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, films for sale or viewing on the premises by use of motion-picture devices or any other coin-operated means and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

ADULT ENTERTAINMENT CABARET — A public or private establishment which is licensed to serve food and/or alcoholic beverages and which features topless dancers, strippers, male or female impersonators or similar entertainers.

ADULT MINI MOTION-PICTURE THEATER — An enclosed building with a capacity of fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT MOTION-PICTURE THEATER — An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

AGRICULTURE — The science and practice of the cultivation of the soil for food products or other useful or valuable growths.

ALTERATION — As applied to a building or structure, a rearrangement in the structural parts or in the ingress or egress facilities or an enlargement requiring a building permit, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ANIMAL CLINIC — A place where animals or pets are given medical or surgical treatment but where there are no facilities for housing animals.

ANIMAL HOSPITAL — The same as a clinic but with housing for animals.

AREA, BUILDING — The total of areas taken on a horizontal plane measured from the outside wall at the main grade level or levels of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

AUTOMOBILE SERVICE STATION OR GASOLINE STATION — A building or place of business where gasoline, fuel, oil and grease and/or batteries, tires and minor automobile accessories are supplied and dispensed directly to the motor vehicle trade and where minor repair service is rendered or where only gasoline, fuel or oil is sold to the motor vehicle trade.

AWNING — A roof-like covering of metal, canvas duck or similar material attached to a metal frame and attached or supported entirely from a building.

BED-AND-BREAKFAST — A private owner occupied dwelling in which at least one (1) and not more than five (5) rooms are offered for transient, overnight lodging and breakfast is offered to such occupants. No public restaurant shall be maintained.

BOARDINGHOUSE — A dwelling in which guest units are available for not more than four persons, either individually or as families, for specific periods of time, with or without meals. A rooming house or furnished room house housing or lodging the same number of persons shall be deemed a boardinghouse.

BUILDING — Any structure having a roof supported by such things as columns, posts, piers or walls and intended for the shelter, business, housing or enclosing of persons, animals, property or other materials, including any combination of materials forming any construction. The term "building" shall include the term "structure," as well as the following:

- (1) Signs.
- (2) Walls, other than retaining walls projecting above the ground not more than three feet at the higher ground level and not more than 6 1/2 feet at the lower ground level.
- (3) Radio, television and microwave antennas, except for such antennas installed on the roof of a building and extending not more than 15 feet above the highest level of the roof of such building.
- (4) Pergolas, porches, outdoor bins and other similar structures.
- (5) Fixed awnings.
- (6) Swimming pools.
- (7) Transmission towers.

(8) Wind Turbines

(9) Detached Solar Energy Systems

BUILDING HEIGHT — The height, in feet, of a building shall be determined from a datum established by the average elevation of paved open spaces which are suitable for the approach of fire department equipment and curb levels, where established, both of which are within 50 feet of the exterior walls of the building. Such height shall be measured from such datum to the highest level of a flat or mansard roof or to the average height of a pitched, gabled, hip or gambrel roof, excluding bulkheads and other roof construction.

BUILDING LINE — A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building or an overhang, the vertical plane will coincide with the most projected surface.

CAMP, SUMMER — One or more temporary or permanent tents, buildings or structures, together with the lot or tract of land appertaining thereto, established or maintained as living quarters for temporary occupancy and not arranged or intended for such occupancy except during the period, or part of the period, from June 15 to October 15 in any year.

CAR WASH - Use involving the washing, cleaning or detailing of passenger, commercial or recreational vehicles who shall recycle water used during this process.

CENTRAL SEWER AND CENTRAL WATER — Communal sewage disposal systems and communal water supply systems approved by the Village Board and any other public agencies having jurisdiction thereof.

CERTIFICATE OF OCCUPANCY — A document issued by the Village Building Department Code Enforcement Officer allowing the occupancy or use of a building and certifying that the structure or use has been constructed and can be used in compliance with all applicable state codes and Village ordinances.

CLINIC, OUTPATIENT — The same as a hospital, except that there shall be no overnight accommodations.

CLUBHOUSE — A building used by a business or membership organization for social or recreational purposes.

CODE ENFORCEMENT OFFICER — That person designated by the Village Board to enforce the zoning regulations.

COMMERCIAL CENTER — A structure or tract of land providing more than one permitted or special permit retail or service use designed, maintained and operated as a unit, in single ownership or control, and sharing certain facilities in common, such as driveways, parking areas, drainage, utilities and screening.

COMMERCIAL RECREATION, INDOOR — A recreation use conducted entirely within the building where tickets are sold or fees collected for the activity.

COMMON AREAS — One or more parcels of land and/or water within a development designed and intended for the use or enjoyment of the residents or employees therein. Such common areas may contain forever-green open space to be left in its natural state, as defined

in Chapter 215 of the Code of the Village of Woodbury, and recreation areas with such complementary structures and improvements for active or passive recreational pursuits as are necessary and appropriate for the benefit and enjoyment of the residents or employees of the development, subject to all applicable Village and state regulations, including Chapter 215 of the Code of the Village of Woodbury regarding open space administration.

COMPREHENSIVE PLAN — A identification of the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the Village.

CONVALESCENT HOME — A building facility utilized for the purpose of aiding or assisting the recovery of health and/or rehabilitation following sickness.

CONVENIENCE STORE – A retail establishment of up to 5,000 square feet selling primarily food products, household items, (not furniture or appliances) sundries, newspapers and magazines, beverages and a limited amount of freshly prepared food such as sandwiches and salads for off premises consumption. No more than six (6) seats shall be provided.

CONVENIENCE STORE / FUEL SALE - Same as above except that sale of automotive fuel and other automotive products may occur on the same site and be considered one use.

COVERAGE — That percentage of the plot or lot area covered by the building area and all impervious surfaces. Parking areas, regardless of how surfaced, shall be considered impervious.

CUSTOM WORKSHOP — A business premises used for the making of clothing, millinery, shoes, arts and crafts items or other personal articles to individual order and specifications, and not including retail sales or the manufacture of machinery, vehicles, appliances and similar heavy goods and ready-to-wear or standardized products.

DANCE/ MUSIC STUDIO – A building or portion thereof utilized for teaching dance or music (voice or instrumental) whether individual or in classes. Such establishment shall not be open to the general public for parties or large gatherings.

DAY CARE – A facility providing supervision or care to five or more minor children not residing on the premises during day time hours but which is not primarily intended for medical or educational purposes.

DOMESTIC ANIMALS — Various species of animals such as cats, dogs, hamsters and the like which are normally and conventionally housed in residential dwellings or adjacent thereto.

DWELLING — A building or that part of a building designed or used as the living quarters for one or more families.

DWELLING, ONE-FAMILY DETACHED — A dwelling containing only one dwelling unit, not attached to any other dwelling, on its own lot of record.

DWELLING, TWO-FAMILY — A detached dwelling containing two separate dwelling units, on its own lot of record.

DWELLING UNIT — A building or entirely self-contained portion thereof containing complete housekeeping facilities, including cooking and plumbing equipment, for one

family. A boardinghouse, hotel, dormitory or convalescent home shall not be deemed to constitute a dwelling unit.

EASEMENT — A grant of the use of land by the public or by a corporation or persons for specific purposes.

FAMILY — Any number of persons related by blood, marriage or adoption, or any number of persons who are not so related, living together as a single nonprofit housekeeping unit, using all rooms and housekeeping facilities in common and having such meals as they may eat at home generally prepared and eaten together.

FARM WINERY — A facility which possesses a New York State farm winery license and where grapes are grown and/or converted to wine for sale to the public or to other businesses, which may also include a wine tasting room where New-York-State-labeled wines and wine products grown or processed on the property may be tasted and sold.

FIRE MARSHAL — The Village of Woodbury Fire Marshal appointed by the Village Board.

FLOOR AREA, GROSS — The sum of the areas of all floors of a building as measured from the exterior walls.

FRONTAGE — The length of the property line separating a lot from the street right-of-way line, measured along the street right-of-way line.

GARAGE, PRIVATE — An enclosed space for the storage of not more than four motor vehicles, provided that no business, occupation or car service is conducted for profit therein nor space for more than one car is leased to a nonresident of the premises.

GARAGE, PUBLIC — A building, other than a private garage, used for storage, housing or care of gasoline- or other power-driven vehicles or where such vehicles are equipped for operation or kept for remuneration, hire or sale.

GARAGE, REPAIR — Any garage, other than a private garage, available to the public, operated for gain and which is used for storage, body or engine repair, rental, lubricating, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

GOLF COURSE - a series of eighteen (18) holes, each consisting of a teeing ground, fairway, rough and other hazards, landscaped and designed for the game of golf.

GROUP-CARE FACILITY — A noninstitutional home set up in theory, size, appearance and structure to bear the general character of a family unit in a relatively permanent household headed by at least one supervisory individual, to be occupied by between six and 12 persons, which is operated or sponsored by a public social service or private nonprofit agency, subject to approval by the New York State Department of Social Services.

GUEST UNIT — A bedroom sleeping accommodation for transient guests, which may or may not include bathroom facilities and shall be occupied by no more than two adult persons and be at least 80 square feet in area.

HAZARDOUS MATERIAL — Material that is flammable, combustible, explosive, radioactive, reactive, corrosive or toxic to humans, as defined and quantified in the United States Environmental Protection Agency regulations under 40 CFR 116.

HEALTH CLUB – A business establishment with equipment and facilities for exercising and improving physical fitness. Facilities may include both indoor and outdoor amenities but shall be subject to different bulk requirements as shown in the use and bulk table.

HEALTH SPA – A business establishment intended for relaxation and/or meditation where a number of personal services are offered in a serene atmosphere. Facilities may include both indoor and outdoor amenities directly related to the spa use such as walking paths or meditation gardens but shall be subject to different bulk requirements as shown in the use and bulk table.

HIGHWAY — Any state highway, county road or Village highway or street and, unless the context indicates otherwise, any street laid out on a filed subdivision map which connects with a state highway, county road or Village highway or street. Generally, "highway" and "street," as used herein, mean the same thing. The boundary of the road shall be presumed to be not less than 25 feet from the center line of the traveled way or 30 feet in the case of a collector road or arterial.

HOME OCCUPATION — Any gainful occupation customarily conducted within a dwelling, or in a structure that is occupied by a use accessory to the dwelling, by the owner/occupant thereof, clearly secondary to the use of the dwelling for living purposes, and which does not change the character of the structure as a residence. Said activity shall not have more than one nonresident employee and shall not occupy more than 500 square feet or 1/2 of the ground floor area of the dwelling or its equivalent elsewhere in the dwelling whichever is less, if so used. Permissible home occupations include but are not limited to the following; an art studio; dressmaking; offices of a clergyman, lawyer, physician, dentist, architect, engineer, real estate agent or accountant; and teaching of music, dancing or other instruction, limited to one pupil at a time. However, home occupations shall not be construed to include uses such as the following: a clinic or hospital; an animal hospital or kennel; a restaurant; or a barber- or beauty shop.

HORTICULTURE — The art of growing fruits, vegetables or ornamental plants.

HOSPITAL — A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified, with overnight patient and/or staff housing. A hospital shall be deemed to include a sanitarium, clinic, convalescent home, nursing home, rest home or other building with an equivalent appellation.

HOTEL OR MOTEL — A building or group of buildings, whether detached or in connected units, containing individual guest units, consisting of a room arranged or designed to be available for use as sleeping quarters for transients on a daily rental basis or for vacationers or other persons on a weekly rental basis, provided that one such unit may connect directly with not more than one other such unit. Each unit shall have a door opening on the exterior of the building or on a common hallway leading to the exterior. A hotel or motel may include such accessory uses as a dining room, restaurant, swimming pool, tennis court(s), conference and meeting facilities or an accessory convenience shop, office or personal service facility, provided that such facility or shop is located within the building without any external sign or display, and off-street parking facilities.

INDUSTRIAL OR OFFICE PARK — A tract of land providing for more than one industrial use as defined under "Industrial, light" and/or business, research and professional office use,

designed, maintained and operated as a unit in single ownership or control and sharing certain facilities in common, such as driveways, parking areas, drainage, utilities and screening.

INDUSTRY, LIGHT — Enterprise engaged in the manufacture, predominantly from previously prepared materials or finish products or parts including processing, fabrication, assembly, treatment, packaging, incidental indoor storage, sales and distribution of such products, but excluding chemical processing. Finished products shall not exceed 40 cubic feet or weigh more than 2,000 pounds per unit. Light industry is capable of operation in such a manner as to minimize external effects such as smoke, noise, soot, dirt, vibration, odor, etc. which impacts shall meet or exceed the highest applicable standards established by federal or state agencies.

JUNKYARD — Any area of land, including buildings thereon, which is used for the collecting, storage and/or sale of wastepaper, rags, scrap metal or discarded material or for the collecting, dismantling, storage or salvaging of machinery or vehicles and/or for the sale of parts thereof.

LANDSCAPING BUSINESS / NURSERY - An establishment that conducts the retail sale and/ or wholesale of plants, trees or shrubs grown on the premises, as well as accessory items (but not including power equipment or other machinery) directly related to their care or maintenance, subject to the requirements of Section 310-34.

LIVESTOCK — Domestic animals kept for use on a farm or raised for sale and profit.

LOT — A parcel of land, coincident with a lot or lots shown on a map of record (filed in the County Clerk's office), which is occupied or which is to be occupied by a building and its accessory buildings, if any, or by a group of buildings accessory thereto, if any, together with the required open spaces appurtenant to such building or group of buildings.

LOT AREA

- (1) For lots existing in separate ownership as of October 1, 1987, and lots created for nonresidential use after October 1, 1987, the total horizontal area between lot lines, exclusive of any portion within a public or private street right-of-way.
- (2) For purposes of residential subdivisions created after October 1, 1987, the lot area shall be determined as follows:
 - a From the tract's metes and bounds, calculate by mathematical formula or by accurate planimetry of the horizontal plane, the total gross lot area.
 - b Deduct from the gross lot area as defined in "a." above all Village, State or Federally designated wetlands, any land subject to flooding or ponding based on the twenty-five-year design storm inundation, public or utility rights-of-way, public utilities or lands otherwise unsuitable for development as determined by the Planning Board based upon existence of natural or man-made features not to be disturbed.
 - c Deduct from the gross lot area as defined in "a" above the sum of (1) 20% of all lands classified as steep slopes (slopes with a topographical gradient equal or greater than 15% but less than 25%), (2) 50% of all lands classified as very steep slopes (slopes with a topographical gradient equal or greater than

25%, but less than 35%), and (3) 80% of all lands classified as excessively steep slopes (slopes with a topographical gradient greater than 35%) as discussed in the Village Steep Slopes Law contained in §310- 13.1 of this zoning code.

d Calculate the remainder net lot area by subtracting “b.” and “c” above from “a.”; this land must equal or exceed the minimum lot area required in the zone. When two or more deductions overlap, the area shall be deducted from lot area once.

- (3) In addition to the above, an area of at least 80% of the gross minimum lot area requirement in the applicable zone shall be contained in land with slopes of less than 15%.

The Planning Board may permit a portion of this remaining area to contain easements and other areas deducted from the gross area in Subsection (2)(b) above if it determines that these areas, which are frequently along the boundary lines of parcels, do not impact the ability of the lot to be properly developed.

- (4) The computation of minimum net lot area for establishing the number of development lots shall be based on original predevelopment land conditions. Additionally, the final subdivision layout shall produce lots fully complying with this criterion in their proposed developed configuration.

LOT, CORNER — A lot at the junction of and abutting on two or more intersecting streets where the interior angle of the intersection does not exceed 135°. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135°. For purposes of defining yards, a corner lot shall have two front yards and one rear yard opposite the front entrance and one side yard.

LOT, FLAG — A lot located in such a position that it is to the rear of some other lot fronting on the same street and which rear lot is served by means of a private accessway, which is part of the lot.

LOT LINE, FRONT — The property line of a lot coinciding with the street line of the street upon which the lot fronts.

LOT LINE, REAR — The property line of a lot opposite and generally parallel to the front lot line.

LOT LINE, SIDE — Any lot line other than a front or rear lot line.

LOT, THROUGH — A lot which fronts upon two streets which do not intersect at the boundaries of the lot.

LOT WIDTH — The minimum distance between the side lines of a lot, measured at the required front yard setback line.

MARTIAL ARTS STUDIO - Establishment where individual or group classes are held or participants go to practice or perform any of the commonly accepted forms of martial arts. Such establishments shall not be open to the general public for parties or other large gatherings.

MEDICAL / DENTAL OFFICE - Offices occupied by a medical or dental professional who regularly see patients for medical treatment or care but with no patients staying overnight.

MEMBERSHIP CLUB — A land and/or building containing uses such as but not limited to recreational facilities, clubhouses and usual accessory uses, open only to members and their guests for a membership fee.

MINI SELF-STORAGE FACILITY — A facility comprised of buildings or structures in existence on July 1, 1999, used or designed to be used as a warehouse, as defined herein, converted into separate, individually accessible, leasable or rentable storage spaces of varying sizes, generally limited to a maximum of 600 square feet per unit, where access to all units is from the interior.

MOBILE HOME — A vehicle or structure with a body width exceeding eight feet or a body length exceeding 32 feet, which may be towed on its own running gear and which may be temporarily or permanently affixed to real estate, used for nontransient residential purposes and which conforms to American Standards Association Code Provision A-119, as amended, American Standard for Installation in Mobile Homes of Electrical, Heating and Plumbing Systems or Manufacturers' Association Mobile Home Standards for Plumbing, Heating and Electrical Systems.

MOBILE HOME COURT OR PARK — A parcel of land under single ownership or control occupied by two or more mobile homes used for residential purposes, including appurtenant facilities.

MOTEL — See "hotel or motel."

NONCONFORMING BUILDING — A structure lawfully existing at the effective date of this chapter, or any amendment thereto affecting such structure, which does not conform to the building regulations of this chapter for the district in which it is situated, irrespective of the use to which such structure is put.

NONCONFORMING LOT — A lot, the area or dimension of which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING USE — Any use of a building or structure, lot or land, or part thereof, lawfully existing at the effective date of this chapter, or any amendments thereto affecting such use, which does not conform to the regulations of this chapter for the district in which it is located.

NURSERY SCHOOL — Any private school, accredited by the Education Department of the State of New York, designed to provide daytime care or instruction for not more than 75 children from two to six years of age inclusive, operated five days per week and not less than seven months per year.

OFFICE (GENERAL / PROFESSIONAL) - Administrative , executive, professional, research, or similar business having only limited contact with the public. This does not include doctors, dentists or other medical professionals.

OPEN SPACE (FOREVER GREEN) — Any land required to be left undeveloped in its

natural state as a precondition of approval of a proposed subdivision, cluster or planned unit development.

OUTDOOR RECREATION FACILITY - A facility whereby patrons pay a fee to utilize permitted outdoor activities. Such activities shall include but is not limited to skiing, snow boarding, tennis, swimming, ice skating, horseback riding or hiking.

OUTDOOR STORAGE — The storage of building supplies, raw materials, finished products, machinery and equipment not within a building and screened by an opaque sight barrier not greater than eight feet in height. In no case shall materials be stored so as to exceed the height of the sight barrier.

PARKING AREA OR SPACE, OFF-STREET — An off-street space available for the parking of one motor vehicle with an area not less than nine feet by 18 feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

PARKING LOT — An off-street, ground-level area with a dustless surface and improved proper markings, drainage, etc., for the temporary storage of motor vehicles.

PATIENT OR OTHER ACCOMMODATION UNIT — Bed space designed for occupancy or used by one occupant of a hospital, sanitarium or nursing home, including such space occupied by each owner and each member of his family and each employee and member of the staff.

PERFORMANCE GUARANTY — Any security, in accordance with the requirements of this chapter, which may be accepted by the Village Board as a guaranty that on-site and public improvements required as part of an application for development are satisfactorily completed.

PERSON — Any association, partnership, corporation, cooperative group, trust or other entity, as well as an individual.

PERSONAL SERVICE - An establishment primarily engaged in providing services involving the specialized care of a person or a person's apparel, including but not limited to beauty shop, nail salon, barber shop, tailor shop and exercise, martial arts or dance studio.

PLACE OF WORSHIP - A building designed or adapted for use by a religious organization for conducting formal religious services or religious assembly on a regular basis

PLANNING BOARD — The Planning Board of the Village of Woodbury.

PLAT — A map, plan or layout of an area of land or subdivision indicating the location and boundaries of the lots, plots, blocks or sites, with or without streets.

PRINCIPAL BUILDING — A building or buildings occupied by the principal use on a site.

PRINCIPAL USE — The primary use of a building, structure or site; generally that use requiring the largest lot size, setback or buffer within the zoning district in which it is located.

PUBLIC SEWER AND PUBLIC WATER — Communal sewage disposal systems and communal water supply systems owned and operated by a public agency.

PUBLIC UTILITY — A use necessary for the safe and efficient operation of a gas, water,

communication, electric or sewage disposal system for the benefit of the public.

QUARRY OR QUARRYING OPERATIONS — Any place where stone, sand, gravel, minerals or other natural material, except topsoil, is removed prior to processing for the purpose of sale or any other commercial purpose other than such as may be incidental to excavating or regrading in connection with or in anticipation of building development or landscaping on the site.

RECREATIONAL VEHICLE — A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use, including but not limited to travel trailer, trucks, campers, camping trailers and self-propelled motor homes.

RETAIL BUSINESS - An establishment engaged in selling or renting goods or merchandise to the general public in small quantities for personal and/or household consumption or business use and rendering services incidental to the sale of such goods. A gas station” or “automobile service station” shall not be considered a retail business. Establishments which sell prepared sandwiches or other food, with no table service, for consumption mainly off the premises but who may have up to 14 seats will be considered retail for the purposes of this chapter.

RESTAURANT — Any premises where food is commercially sold for on-premises consumption to patrons seated at tables or counters where table service and printed menus are provided. Any facility without table service and printed menus and/or making use of carhop or parking lot service to cars or where the food is to be eaten outside of the structure, off the premises, shall not be considered a restaurant for the purpose of this chapter and shall be deemed to be a drive-in or fast-food restaurant.

RESTAURANT, DRIVE-IN OR FAST-FOOD — Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, usually served in paper, plastic or other disposable containers, for consumption within the restaurant building, elsewhere on the premises, or for carry-out, for consumption off the premises.

RIDGE PRESERVATION VIEW CORRIDOR — Those State and County roadways designated on the zoning map from which development at elevation six hundred (600) feet or higher along ridges and hillsides is visible.

RIDING ACADEMY — Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of a ranch or similar establishment.

SATELLITE EARTH STATION — A combination of:

- (1) An antenna or dish antenna whose purpose is to send or receive communication or other signals from orbiting satellites and other extraterrestrial sources.
- (2) A low-noise amplifier (LNA) which is situated at the focal point of the receiving and sending component and whose purpose is to magnify and transfer signals.
- (3) A coaxial cable whose purpose is to send or carry the signals into the interior of the building.

SATELLITE EARTH STATION HEIGHT — The height of the antenna or dish measured vertically from the bottom of the base which supports the antenna to the highest point of the antenna or dish when positioned for operation.

SCHOOL, PRIVATE — An institution, not owned by a public agency, which offers to its students formal education and is chartered by the Board of Regents of the University of the State of New York.

SCHOOL, PUBLIC — An institution under the jurisdiction of a school district or other public agency and legally constituted by the State of New York to offer free formal education to residents of the district.

SERVICE BUSINESS (non personal) - A business or non-profit organization that provides services to the public, either on or off premises, including but not limited to building, electrical, plumbing, landscaping contractor with no sale of products, taxi service, educational services, cleaning, locksmith, photocopying, printing services of less than 5,000 square feet, repair and restoration.

SHOPPING CENTER — A group of stores, shops and similar establishments occupying a single or adjoining structures, all of which may be deemed one building if designed as an architectural unit and if it has adequate space in the rear for loading and unloading commodities and provides ample space for off-street parking for patrons.

SIGN — Any message attached to any structure or part thereof or represented thereon, which shall display or include any letter, word, model, symbol, banner, pennant, insignia, device or representation used as or which is in the nature of an announcement direction or advertisement. The term "sign" includes the words "billboards," "freestanding sign" and "interior sign," as well as a flag, pennant or insignia of any nation, state, city or other political unit or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

SITE PLAN — A development plan for one or more lots on which is shown:

- (1) The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways.
- (2) The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices.
- (3) Any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans by the Planning Board, incident to issuance of a building permit.

SPECIAL PERMIT — An authorization for a specified use of property that is deemed appropriate to a given district if certain conditions are satisfied, including compatibility with adjacent uses, but which may be incompatible within the district if conditions are not satisfied. Said use is permitted only if conditions are satisfied.

STREET — See "highway."

STREET LINE — The right-of-way line of a street.

STRUCTURE — See "building."

SWIMMING POOL — Any nonportable pool installed above or below ground, containing an artificial body of water at least six inches deep, to be used for swimming or bathing. As used herein, the word "pool" shall be synonymous with the words "swimming pool."

TRAILER, CAMPING — A vehicle designed for temporary living purposes which does not exceed 32 feet in length and is not provided with water and sewer connections suitable for year-round use; includes "recreation vehicle."

TRANSIT ORIENTED DEVELOPMENT - A development within one half mile of a train station which may include multi family residences, offices, recreation, light industry, hotel and conference facilities and commercial uses in a mixed-use, pedestrian oriented aesthetically pleasing design as described in detail in the Village's Comprehensive Plan.

VILLAGE BOARD — The Village Board of the Village of Woodbury.

USABLE OPEN SPACE — An unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of nonrecreational structures of any kind, which is accessible to all occupants of the building or buildings on said lot for purposes of active or passive outdoor recreation and which generally does not contain slopes or grades in excess of 30%.

USE — The specific purpose for which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.

WAREHOUSE — A building used primarily for storage of raw materials or finished products for distribution or long-term storage.

YARD, FRONT — A ground area between the street line (right-of-way) and a line drawn parallel or generally parallel thereto at the building line, unoccupied by any building or structure other than exceptions as provided herein such as fences or retaining walls. See also "yard, required."

YARD, REAR — A ground area between the rear lot line and a line drawn parallel or generally parallel thereto at the building line, unoccupied by any part of a building or structure other than exceptions as provided herein such as fences, retaining walls or accessory buildings. See also "yard, required."

YARD, REQUIRED — That portion of a yard which is required by this chapter to be left open and unoccupied by any part of a building or structure other than by exceptions as provided herein such as fences, retaining walls or accessory buildings.

YARD, SIDE — A ground area between a front yard and rear yard and between a property line and a line drawn parallel thereto at the side building line, unoccupied by any part of a building or structure other than exceptions provided herein such as fences, retaining walls or accessory buildings. See also "yard, required."

ZONING BOARD OF APPEALS — The Board of Appeals of the Village of Woodbury.

ZONING DISTRICT — A finite area of land, as designated by its boundaries on the Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings.

§ 310-3. Enumeration of districts.

A The Village of Woodbury is hereby divided into the following zoning districts:

Title	Symbol
Residential, Three-Acre Minimum	R-3A
Residential, Two-Acre Minimum	R-2A
Residential, One-Acre	R-1A
Residential, One-Fourth-Acre	R-0.25A
Corridor Residential	CR
Limited Commercial	LC
Hamlet Business	HB
Industrial Business	IB
Light Industrial/Office Park	LIO
Office Park	OP

B Each such district may be designated on the Zoning Map referred to in § 310-4 in the district lot and bulk regulations in Article IV, in the off-street parking requirements in Article VI and elsewhere in this chapter of the Code by its symbol only.

§ 310-11. Accessory buildings.

- A. No accessory building or structure shall be erected prior to any principal building, except for the purpose of storage of materials for use in constructing the principal building.
- B. No accessory building shall be used for residential purposes.
- C. An accessory building or use may be permitted only in a rear yard.
- D. Accessory structures shall be limited in size to no greater than 1,500 square feet

§ 310-13. Ridge preservation.

A. Purpose and policy.

- (1) The natural topography of the Village of Woodbury includes a series of prominent ridgelines running primarily in a north-south direction. Land development patterns of the Village have resulted mainly in development in the valleys, with the ridgelines being preserved as open space areas. Important ridgelines and hilltops form a scenic

background to the developed areas of the Village, softening the visual impact of buildings and giving to the Village a natural and rural atmosphere.

- (2) These important ridgelines and hilltops in the Village are important environmental assets and their aesthetic value is to be protected.
- (3) Therefore, all areas with a natural elevation above mean sea level of 600 feet are designated by this Zoning Chapter as "critical environmental areas" pursuant to the State Environmental Quality Review Act.

B. Restrictions and standards.

- (1) The roof of any development in an area having a natural elevation above sea level of 600 feet, to the maximum practical extent, shall not be visible from any designated ridge preservation view corridor (see Zoning Map), or such structures shall blend into the hillside.
- (2) In order to satisfactorily blend the structure into the natural environment and mitigate visual impacts a structure should be constructed of natural materials (wood, brick or stone) and shall be a natural color.
- (3) Roof slopes of such structures shall follow the natural contour of the land where possible and shall also be a natural color.
- (4) No reflective windows or other such surfaces shall be used on the outer façade of the building.
- (5) To the greatest extent practical every attempt shall be made to limit the amount of cutting and removal of trees so as to maintain natural site vegetation especially on those properties which may be visible from the ridge preservation view corridor. Any healthy tree with an eight inch (8") or greater caliper at breast height shall not be removed unless such removal is essential to the location of the structure.
- (6) Any proposal for development in such areas, including a single-family home but excluding those which propose to be less than 20 feet in height, that is likely to be visible from a designated view corridor at any time of the year shall include an illustration indicating the location of said structure and a sketch superimposed on a photograph to be approved by the Planning Board.

C. Guidelines. In making its decision regarding the visibility and compatibility of proposed structures, the Planning Board shall consider:

- (1) The building design.
- (2) The use of lower elevations on a lot.
- (3) The blending of structures with topography to keep below the tree line.
- (4) The use of both deciduous and evergreen trees to supplement natural vegetation.

§ 310-13.1 Steep Slopes Protection

A. Purpose and Policy

- (1) For the purpose of preventing erosion and sedimentation, including loss of topsoil, preventing habitat disturbance, water quality degradation, slope failure and flooding; minimizing stormwater runoff and flooding, providing stable and safe building sites; preventing landslides and soil instability; protecting the quantity and quality of the Village's surface and ground water resources; protecting important scenic views and vistas; preserving prominent land forms of scenic and ecological value; preserving rock outcrops and trees, areas of vegetation and wildlife habitat; encouraging flexible design and minimizing the area of land disturbance related to site development and when disturbance is necessary, ensuring environmentally sound disturbance; and ensuring and protecting the Village's character and property values, it is the intent of this law to minimize disturbance on steep slopes and very steep slopes and to avoid disturbance and construction activities on excessive slopes.
 - (2) It shall be unlawful to disturb any steep slope, very steep slope or excessively steep slope unless a permit is obtained from the Planning Board pursuant to the requirements of this local law
- B. Slopes shall be defined as any area, whether or not located on a single lot, having a topographical gradient of 15% (the ratio of vertical distance to horizontal distance) or more and with a minimum area of 500 square feet.
- (1) Steep Slope – Slopes with a topographical gradient equal to or greater than 15% but less than 25%.
 - (2) Very Steep Slope – Slopes with a topographical gradient equal to or greater than 25%, but less than 35%.
 - (3) Excessively Steep Slope – Slopes with a topographical gradient equal to or greater than 35%.
- C. Limitations on Development of Property Affected by Steep Slopes
- (1) Lot area calculation. In addition to reductions required in the definition of Lot Area located in Section 310-2, where applicable, (generally to determine lot yield calculation to and permitted number of residential units permitted on a parcel) lot area must be calculated by deduction of the sum of:
 - (a) The area classified as steep slopes multiplied by 20 percent (0.20);
 - (b) The area classified as very steep slopes multiplied by 50 percent (0.50);
 - (c) The area classified as excessively steep slopes by 80 percent (0.80).
- D. Exempted and regulated activities
- (1) An individual homeowner can obtain a permit directly from the Building Inspector for regulated activities stated herein on a single family residential building lot. A permit is required from the Planning Board before any activity is undertaken unless specified herein for the construction of more than one single family dwelling, residences containing more than one existing residential unit and all non-residential uses.
 - (2) It shall be unlawful to create any disturbance or to cut any tree with a diameter greater

than six (6) inches, when measured from four (4) feet from ground level, on any steep slope, as defined by this local law, without a specific written permit as required by this local law.

- (3) Any customary landscaping not involving regrading is exempt from this law and is allowed without the need for obtaining a permit provided that any such activities conform to all other applicable laws of the Village.

E. In evaluating a permit application, the Planning Board shall use the following guidelines:

- (1) The planning, design, and development of buildings minimizes flooding and provides the maximum in structural safety, slope stability, and human enjoyment while adapting the affected site to, and takes advantage of the best use of the natural terrain and aesthetic character.
- (2) The terracing of building sites is kept to an absolute minimum;
- (3) Roads and driveways follow the natural topography to the greatest extent practicable in order to minimize the potential for erosion;
- (4) No endangered species of flora or fauna are adversely impacted and that any replanting shall be maintained by the applicant for two years and shall consist of indigenous vegetation that replicates the original vegetation on the site;
- (5) The natural elevations and vegetative cover of ridgelines are disturbed only if the crest of a ridge and the tree line at the ridge remains uninterrupted;
- (6) Any re-grading blends in with the natural contours and undulations of the land;
- (7) Cuts and fills are rounded off to eliminate sharp angles at the top, bottom, and sides of regraded slopes;
- (8) The angle of cut and fill slopes do not exceed a slope of one vertical to two horizontal except where retaining walls, structural stabilization or other methods acceptable to the Village Engineer are used;
- (9) Tops and bottoms of cut and fill slopes are set back from structures an adequate distance to ensure the safety of the structures in the event of the collapse of the cut or fill slopes. Generally, such distance is six feet plus one-half the height of the cut or fill;
- (10) Measures for the control of erosion and sedimentation are undertaken consistent with Best Management Practices (BMP's);
- (11) Fill material is no less granular than the soil upon which it is placed, and that no organic material or rock with a size that will not allow appropriate compaction or cover by topsoil can be used as fill material;
- (12) Compaction of fill material in fill areas is such to ensure support of proposed structures and stabilization for intended uses;
- (13) Structures are designed to fit into the hillside rather than altering the hillside to fit the structure, employing methods such as reduced footprint design, step-down structures, walk out basements, minimization of grading outside the building footprint;

- (14) Development is sited on that portion of the site least likely to impact the natural landforms, geological features, and vegetation.
- F. Permits will be issued by the Planning Board only if the Board shall find the following:
 - (1) The proposed regulated activity is consistent with the policy of this law.
 - (2) The proposed regulated activity is compatible with the public health, safety and welfare of the Village residents
 - (3) The applicant has demonstrated that there is no practical alternative for the proposed regulated activity
 - (4) The proposed regulated activity minimizes the degradation to or loss of any part of the designated slope and minimizes any adverse impacts
- G. In the event that significant adverse impacts to the slope are identified, the applicant or the Planning Board may propose mitigation in the form of conditions.

§ 310-16. Utility Structures.

- A. Satellite earth stations (dish antennas) shall be permitted in any district, subject to issuance of a special permit and site plan approval by the Planning Board and the following conditions:
 - (1) A satellite earth station for the receiving of communication or other signals may be installed in any residential district, including the Corridor Residential District, in any rear yard, provided that its height, including a platform or structure required for support, is not greater than permitted for accessory uses in said districts and its size is limited to a maximum of 10 feet in diameter.
 - (2) In all remaining districts, antennas or dish antennas for the sending and receiving of communication or other signals may be located in rear yards and permitted as accessory uses and regulated as such, except in no case shall coverage exceed 10% of the rear yard.
 - (3) Satellite television antennas shall be located and designed to reduce visual impact from surrounding properties at street level from public streets and not deny solar access to an abutting property. They shall be effectively screened by a special planting maintained in good condition so that said antennas shall not be visible from any adjacent property or public street.
 - (4) Not more than one satellite television antenna shall be allowed upon any noncommercial or single-family lot, notwithstanding the size of said lot.
 - (5) All antennas and the construction and installation thereof shall conform to applicable Building Code and Electrical Code regulations and requirements so as not to cause a

hazard to life, limb or property because of structural impairment, disassembly or collapse.

- (6) Antennas shall meet all manufacturers' specifications, be of noncombustible and corrosive-resistant material and be erected in a secure wind-, snow- and storm-resistant manner.
- (7) Every antenna must be adequately grounded for protection against a direct strike of lightning.

B. Wind Turbines. The use of wind turbines to generate heating or cooling or to create electricity for either on grid or off grid applications shall be permitted in all zones subject to the following:

- (1) Wind turbines shall comply with all aspects of the NYS Building code for structural stability.
- (2) No wind turbine shall be located closer than 1.5 times the height of the structure from property lines or occupied buildings.
- (3) All wind turbines must be located in a rear yard.
- (4) Wind turbines shall not create undesirable noise to adjacent properties.
- (5) A building permit is required to all installation. All commercial applications will require Planning Board Architectural Review.
- (6) No turbine shall exceed 35 feet in height.
- (7) Installations within residential subdivisions located in the Ridge Preservation District and all installations on commercial buildings will require Planning Board Architectural Review.

C. Solar Energy Systems. Solar Energy System intended to utilize solar energy to provide space heating, domestic hot water, swimming pool heating or to otherwise provide electrical power, whether on grid or as an off grid permanent supply are permitted in all zones subject to the following:

- (1) Installation shall comply with Chapter 14 of the NYS Mechanical Code.
- (2) Detached system shall have a minimum setback from the property line as defined as an accessory structure, but in no case closer than 10 feet to a property line.
- (3) Detached systems must be located in a rear yard.
- (4) Systems attached to or placed on a building must meet all structural requirements of the NYS Building Code.
- (5) No system shall emit undesirable glare toward neighboring properties.
- (6) A Building Permit is required for all installations.
- (7) Installations within residential subdivisions located in the Ridge Preservation District and all installations on commercial buildings will require Planning Board Architectural

Review.

§ 310-20. Garages.

- A. Garages accessory to one-family dwellings shall have no more than 1,500 square feet of total floor area. Space therein may be used for not more than one commercial vehicle and may be rented for not more than one vehicle of other than the occupants of the dwelling to which it is appurtenant and shall have no other business, occupation or service conducted for profit therein.
- B. For a two-family or multifamily residence, garage space may be provided for each family for which such residence is arranged. Space in a garage accessory to a multifamily residence or hotel shall be rented only to occupants of the premises.

§ 310-22. Performance standards in HB, CR, LC, OP, LIO and IB Districts.

No use shall be permitted in the HB, CR, LC, OP, LIO and IB Districts that does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained.

- A. Noise. Noise shall not exceed an intensity, as measured 100 feet from the boundaries of the lot where such use is situated, of the average intensity, occurrence and duration of the noise of street traffic at adjoining streets.
- B. Atmospheric effluence. No dust, dirt, smoke, odor or noxious gases shall be disseminated beyond the boundaries of the lot where such use is situated.
- C. Glare and heat. No glare or heat shall be produced that is perceptible beyond the boundaries of the lot where such use is situated.
- D. Industrial wastes. No solid or liquid wastes shall be discharged into any public sewer, private sewage disposal system, stream or on or into the ground, except in accordance with the Village of Woodbury Sewer Use Ordinance and standards approved by the New York State Department of Health or a similarly empowered agency.
- E. Fire and explosion hazards. All activities involving and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices standard in the industry. The burning of waste materials in open fires is prohibited. The relevant provisions of state and local laws shall also apply.
- F. Radioactivity or electromagnetic disturbance. No activity shall be permitted which emits dangerous radioactivity beyond the structure in which such activity is situated or which causes an electrical disturbance adversely affecting the operation of any equipment other than

that of the creator of such disturbance.

G. Hazardous materials. Any processing, manufacture, disposal, transportation, storage or dispensing of materials designated as hazardous by the United States Environmental Protection Agency under 40 CFR 116 shall be conducted only in strict conformity with applicable federal and state standards and regulations and in such manner as to cause no hazard to public health, safety or welfare and so as not to hinder the most appropriate use of land in the vicinity.

H. Industrial and office parks and commercial centers.

- (1) Where industrial and office parks and commercial centers are permitted, the entire lot shall be planned and designed as a unit to provide maximum functional efficiency and aesthetic quality. In cases where detailed building plans are not available, design guidelines for siting, orientation, size and materials of buildings shall be noted on the plans submitted for approval. Certain facilities, such as roadways, parking areas, utilities, drainage, screening and other landscaping and employee recreation facilities, may be shared among the uses on the lot.
- (2) In all cases, the uses may occupy leased premises or the premises may be owned as part of the condominium or cooperative or the premises may be subdivided and sold; however, there must be a central managing agency, acceptable to the Village Board, that is responsible for the improvement and maintenance of common facilities and for the general management of the development.
- (3) In all cases, the development shall be subject to site plan review in accordance with procedures set forth in § 310-45. The Planning Board may waive standards for side yard setbacks within the development, provided that the minimum requirements are met along the perimeter of the lot. Any such waiver shall refer to standards that the Planning Board finds to be more appropriate for the specific site and the uses proposed and shall be subject to review by the Fire Marshal.

I. Design guidelines in the LIO District.

- (1) Earth tones, muted hues of roof ballast and construction materials will be utilized throughout the site.
- (2) Parking area will be screened from internal and off-site roads by use of berms, trees and other vegetation. Parking areas will be landscaped so as not to have expansive paved areas.
- (3) No outdoor storage of materials, supplies or equipment or outdoor operation or processes will occur. Loading docks and approved refuse containers shall be screened from view.
- (4) Height of any building or appurtenance thereto shall not exceed 35 feet above the finished building grade, unless the building is part of an approved TOD.
- (5) All buildings are to use high quality construction materials and have architectural facades; all elevations that are visible from public view shall have the same characteristics.
- (6) No exterior wall may be faced with untextured, painted, or unpainted concrete block.

Exterior walls shall not be painted.

- (7) There should be some architectural features that are maintained for all buildings to give an appearance of continuity.
- (8) Windows shall not have highly reflective glass.
- (9) Exterior lighting shall be limited to signs and security and safety lights of streets, parking lots, walks and building entrances. Lighting to be shielded so not directly visible off-site, including from Route 6 and Route 17. No flashing, traveling, animated or intermittent lighting shall be visible from the exterior of any building.
- (10) No corrugated building material will be utilized.
- (11) All utility lines and connections and installation of wires to buildings shall be underground.
- (12) All mechanical equipment either on a roof top or on the ground shall be screened from view.

§ 310-23. Automobile service stations and repair garages.

- A. Strict compliance with state standards shall be required in the design and construction of devices for storing and handling gasoline and other products to keep the hazards of fire and explosion involving the same to a minimum.
- B. There shall be no other repair garage or service station property within 300 feet of any part of the lot lines of the property.
- C. There shall be safe and adequate sight distance in each direction along each highway on which the property has access, and the use of the property shall not otherwise create a traffic hazard.
- D. Pumps and other devices, including all signs, shall be located at least 20 feet from any street line.
- E. No repair work shall be performed out of doors.
- F. All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
- G. The illuminated parts of and lettering which is customarily part of or affixed to gasoline pumps shall not be deemed signs.
- H. No more than five wrecked, partially dismantled or unlicensed vehicles shall be kept on the premises, and all such vehicles shall be kept within a building or concealed behind a board fence at least six feet high which shall be erected and maintained in a manner approved by the Code Enforcement Officer.
- I. No dead storage or parking of vehicles shall be permitted, except vehicles awaiting immediate service or repair or those vehicles impounded at the direction of the police.

- J. All new gasoline stations shall be equipped with a fuel-fume recovery system.
- K. A minimum ten-foot landscaped buffer shall be provided on side and rear yards; where said buffer adjoins a residential district, the requirements of § 310-18 shall apply.

§ 310-25. Swimming pools.

- A. Private residential swimming pools. Swimming pools accessory to and not attached to one-family dwellings, whether permanent or portable, shall be located not closer than 20 feet to any side or rear lot line, except in an R-0.25A District, where such distance shall be at least 10 feet from a side lot line. Swimming pools shall only be permitted in a rear yard. These regulations shall not apply to portable pools that do not exceed two feet in height or six feet in length.
- B. Swimming pool fencing. All outdoor swimming pools, public and private, except swimming pools owned and operated by the Village of Woodbury, 18 inches deep or more shall be completely enclosed with a wall or fence at least four feet high and not greater than six feet high, the bottom of which must be no more than three inches from the ground, equipped with a gate that has a lock which shall be locked at all times that the swimming pool is not in use. Aboveground swimming pools with at least 46 inches between the pool decking or pool top and the adjoining grade are exempt from this requirement, provided that access is restricted. Such a restriction may be a minimum four-foot-high fence with a gate that can be appropriately fastened or the removal of the ladder which gives access to the aboveground pool, when not in use. All such swimming pools must remain empty of water until the barrier has been completed and approved by the Code Enforcement Officer as meeting the foregoing requirements and as being sufficiently strong in construction to prevent any person from accidentally entering the pool enclosure.

§ 310-28. Retaining walls.

All retaining walls over four feet high shall require a building permit. All retaining walls over eight feet high shall require Planning Board approval prior to the issuance of a building permit. Walls shall be a minimum of two feet, or a distance equal to half the height of the wall off the property line.

§ 310-29. Design criteria for CR and LC Districts.

- A. Purpose. The purpose of the Corridor Residential District and the Limited Commercial District is to retain the existing residential and open character of areas and neighborhoods along major road corridors, such as large setbacks and significant architectural and historic styles. The Village Board hereby finds that it is necessary to develop and enforce specific design criteria for these districts to ensure the open and historic character of these corridors and as a means of preserving the older or architecturally significant structures while allowing limited nonresidential uses in existing residential structures or in sensitively designed new structures which maintain the existing character of this corridor. These districts will form the basis for creating a smooth transition in land uses and intensities of development along Route

32, particularly adjoining and between Central Valley and Highland Mills.

B. Design criteria requirements.

(1) In considering an application for a permitted or special permit use within the district, the Planning Board shall consider the visual and aesthetic relationships between neighboring properties, the architectural style of buildings, particularly where there are structures of historic or architectural significance within view of the site, the height, width and bulk of buildings and structures and their arrangement on the site, including setbacks, materials, window locations, entry points, rooflines, exterior colors and details, exterior lighting (including the number, height and design of the lighting fixtures and the amount of light), fences and walls, the landscaping and paving materials to be used on the site, etc., so as to assure that all new construction, all alterations of existing structures and all standards provided in this section will be accomplished in such a manner as to further the purpose of this chapter.

(2) The following standards shall apply:

(a) Existing structures (existing as of September 1989).

[1] In order to accommodate a nonresidential use, the building must front on a Village, Town, County, or State highway; and to the maximum practical extent, vehicular access to a nonresidential use must be from a state highway.

[2] The maximum percent building area may be increased is an additional 10%, provided that the resulting development shall not exceed the maximum development coverage permitted in the zone.

[3] No residential use shall be located on a floor below a nonresidential use.

[4] Residential units shall have separate access from the nonresidential uses.

[5] Off-street parking shall be wholly provided in the rear and/or one side yard, behind the front building line, and shall be screened from the road and adjoining properties in accordance with Article VI, § 310-42C, as a minimum.

[6] There shall be no substantial alteration to the exterior of the building except with approval by the Planning Board acting as the Architectural Review Board. Alteration shall not substantially reduce the architectural value or character of a building unless necessary to meet building code or other compelling reason.

(b) New construction.

[1] New construction shall be permitted, provided that it has sensitively maintained the existing character of adjacent and surrounding historic and architecturally significant structures. This may be exhibited through architectural style and character, arrangement, texture, materials, details and ornamentation. Building facades materials shall be natural (wood, brick stone or a material which has an identical appearance as determined by the

Planning Board) and no metal siding, exposed concrete block or reflective or tinted glass shall be visible from any side of a building.

- [2] No residential use shall be located on a floor below a nonresidential use.
- [3] Residential units shall have separate access from the nonresidential uses.
- [4] Setbacks for new buildings shall be equal to or exceed the average of the principal structures on either side of the property, but in no case shall such setback be less than required by applicable provisions of the Schedule of Zoning District Regulations for CR or LC Districts.
- [5] Off-street parking shall be wholly provided in the rear and/or one side yard, behind the front building line, and shall be screened from adjoining properties in accordance with the provisions of Article VI, § 310-42C, as a minimum.
- [6] All buildings and portions of buildings in a strip or shopping plaza will have a uniform architectural style. Every 75 feet of building façade will feature a recessed or protruding portion (or other means of architectural articulation as deemed acceptable by the Architectural Review Board) to reduce building mass.
- [7] No flat roofs shall be permitted for buildings with less than two stories and all roof top equipment shall be shielded from view.

§ 310-31.2. Watershed and stream protection Overlay District.

- A. Purpose and Intent of District. To promote the health, safety and welfare of the community by protecting and preserving the surface and groundwater resources of the Village, mainly focusing around the Woodbury Creek, Moodna Creek and Ramapo River watersheds, from any use of land or buildings, which may reduce the quality of its water resources.

The intent of the Overlay District is to limit the amount of impervious surface and potentially contaminating uses permitted within the District in order to control non-point source discharge and pollution. Cluster development may be required at the discretion of the Planning Board.

- B. Scope of Authority. The watershed protection overlay district is considered as overlaying other existing zoning districts. Uses not permitted in the
- C. Establishment and Definition of District.
 - (1) The Watershed Protection Overlay District includes all lands delineated by the boundaries of the drainage areas of the Cromwell Lake, Hillside Pond, Saltzman Pond, Spruce Lake, Spring Lake, Cornell Lake, Sunnycroft Pond, Shadow Lake, Peckman's Pond, Lower Twin Lake, Upper Twin Lake, Lake Georgia, Bull Pond, Barnes Lake,

Massawippa Lake, Te-ata Lake, Summit Lake, Forest Lake, Cranberry Lake, Lake Fredrick, Leone Lake, Coronet Lake, Earl Reservoir, Amdur Lake, the Violet Road Mobil Home Community Pond and Woodbury Creek and its tributaries which contribute to the public water supply, and which create the catchment or drainage areas of such water courses and bodies, as part of their natural drainage system. The map defining the Watershed Protection Overlay District boundaries, entitled "Watershed Boundary Map, Village of Woodbury" (Located in the Planning Board Clerk's Office).

- (2) Where the bounds delineated are in doubt or in dispute, the burden of proof shall be upon the owner of the land in question to show where they should properly be located. If the property owner can prove, to the satisfaction of the Planning Board and the Village Engineer that his property does not drain into waters supplying the watershed then this district shall not apply. At the request of the owner, the Village may engage a geologist, hydrologist or other qualified professional to determine more accurately the location and extent of a watershed or recharge area, and may charge the owner for all or part of the cost of the investigation.

D. Prohibited Uses. The following land uses, activities, devices, structures, and/or substances are prohibited within the Watershed Protection Overlay District:

- (1) Dry cleaning establishments, except for organic or self contained systems.
- (2) Junk and salvage yards, including recycling centers.
- (3) Car washes, except when located on public water and sewer and where water is recycled.
- (4) Boat and motor vehicle service, storage and repair establishments
- (5) Any industrial use that discharges processed wastewater into anything other than the public sewer.
- (6) Commercial removal or relocation of earth materials, including but not limited to sand, gravel, topsoil, metallic ores, or bedrock.
- (7) Any animal feedlots or pastures less than 5 acres in size lying within 100 feet of the center line of all brooks, streams and rivers or within 100 feet of the normal highwater line of lakes, ponds, marshes, swamps and bogs.
- (8) Landfills and the storage of salt and road de-icing chemicals.
- (9) The outdoor storage of fertilizers, herbicides, and pesticides and outdoor uncovered storage of manure.
- (10) Burial in any cemetery or other place within 100 feet of the high water mark of a course of public water supply or tributary thereto.
- (11) The disposal of solid wastes other than brush or stumps.
- (12) The disposal of leachable wastes.
- (13) The use of 100% pure salt as a deicing agent including use on parking lots.
- (14) The dumping of snow contaminated by 100% pure salt or inorganic de-icing chemicals.

- (15) The storage or disposal of hazardous materials, except for the storage of chemicals for use associated with the operation of public water supply facilities.
 - (16) The storage and/or sale of petroleum and other hydrocarbons other than that normally associated with residential use, except for the storage of fuel for use associated with the operation of public water supply facilities. Heating oil shall be stored within the buildings which it will heat. Underground storage of any petroleum product is expressly prohibited.
 - (17) Any discharge of water which has been used for washing, cooking or otherwise altered and devices for the collection, storage and disposal of said wastes, unless that water is of household origin and is processed, prior to discharge, through a treatment system that satisfies the minimum requirements of the Orange County Department of Health.
 - (18) Privy, dry well, or other place for the collection, storage or disposal of human excrement that does not satisfy the minimum requirements of the Orange County Department of Health.
 - (19) Public or private hospital or other establishment intended for the treatment of persons afflicted with a contagious or infectious disease.
 - (20) Hitching or standing place for horses, cattle or other animals
 - (21) Storage or disposal of any human excrement or compost containing human excrement, or any municipal, commercial or industrial refuse or waste product or polluting liquid or any substance which in the opinion of the New York State DEC is of a nature that is poisonous or injurious either to human beings or animals, or other putrescible organic matter whatsoever, at any place from which such liquid or substance may flow or be washed or carried into said source of water supply or tributary thereto
 - (22) Manufacturing or processing plant producing wastes which are toxic or injurious either to human beings or animals, unless the location thereof has been expressly approved in writing by the New York State DEC.
- E. Salt Storage. Salt, when stockpiled, will form a cone with sides that slope at approximately 32 degrees. Based on the bulk density of the material, compacted salt will require a storage space of approximately 25 cubic feet per ton. The following guidelines should be considered for the storage facility:
- (1) Salt storage facilities should be centrally located to the area that will be subject to deicing in order to decrease the travel distance between the storage facility and application route.
 - (2) The facility should be large enough to house three quarters of the annual salt needs of the facility to which is it accessory and should be large enough for any equipment to maneuver. All loading operations should be done inside the structure.
 - (3) The facility should be readily accessible during inclement weather and should have sufficient interior and exterior lighting.
 - (4) Soil type and topography of the area for salt storage should be considered. Soils that

are susceptible to erosion or which are conducive to quick infiltration should be avoided. Final grading should slope away from the building to divert water away from the salt.

- F. Application of Fertilizers, Pesticides and Herbicides. For any use involving the application of fertilizers, pesticides, or herbicides, the applicant must obtain a report from the Orange County Department of Health stating that all necessary precautions shall be taken to prevent hazardous concentrations of pesticides in the water and on the land within the district as a result of such application and submit it to the permit granting authority. Such precautions include, but are not limited to, erosion control techniques, the control of runoff water (or the use of pesticides having low solubility in water), the prevention of volatilization and re deposition of pesticides and the lateral displacement (i.e. wind drift) of pesticides. The application of fertilizers for non-domestic or non-agricultural uses will be approved only if the applicant can prove that such application shall be made in such manner as to minimize adverse impacts on surface and groundwater due to nutrient transport and deposition and sedimentation.
- G. Special Permit Uses. The Planning Board, may allow for the development of those non residential uses permitted in the underlying district and not specifically prohibited by regulations herein, upon issuance of a Special Permit subject to any additional conditions the Board may impose. Any proposed improvement at a minimum shall meet the following criteria:
- (1) Is consistent with the purpose and intent of this Section.
 - (2) Is appropriate to the natural topography, soils, and other characteristics of the site to be developed.
 - (3) Will not have a significant adverse effect, during construction or thereafter, on the existing or potential quality or quantity of water that is available in the Water Supply Protection District, and;
 - (4) Is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and other water-related natural characteristics of the site to be developed.
- H. Existing Development. Existing Development may be continued and maintained subject to the provisions provided herein. The expansion of structures or modification of plans must meet the requirements of this ordinance.
- (1) A use shall be considered existing if vested under the Village of Woodbury Zoning Code as of the effective date of this ordinance, based on at least one of the following criteria:
 - (a) Substantial expenditures of resources (time, labor, and money) based on good faith reliance upon having received a valid local government approval to proceed with the project.
 - (b) Having an outstanding valid building permit in compliance with 310-47.
 - (c) Having an approved site specific or phased development plan in compliance with Article VIII.

- (2) Uses of Land. This category consists of land uses existing at the time of adoption of this ordinance. Such uses, which this law may prohibit, may be continued except as follows:
 - (a) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
 - (b) Such use of land shall be changed only to an allowed use.
 - (c) When such use ceases for a period of one (1) year, it shall not be re-established.
- (3) Reconstruction. Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, provided:
 - (a) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.
 - (b) The total amount of space devoted to impervious area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

I. Buffer Area Requirements. The following buffer requirements for all new development activities in the Watershed Protection Overlay District shall apply:

- (1) A minimum one hundred (100) foot undisturbed buffer is required along the shoreline of the Cromwell Lake, Earl Reservoir, Shadow Lake, the Violet Road Mobil Home Community Pond and Peckmam's Pond; otherwise, a minimum fifty (50) foot undisturbed buffer is required. Buffers are measured horizontally from the high water mark of impounded water bodies and/or from the top of bank of streams.
- (2) No trees larger than two (2) inches in caliper DBH are to be removed from the required buffer except for diseased trees. The Village of Woodbury may require enhancement of the existing vegetation through the use of supplemental plantings in the buffer area, if necessary, to ensure that the buffer area can properly and effectively perform its filtering and absorption functions.
- (3) No permanent structures, impervious covers, septic tanks or any other disturbance of existing vegetation is permitted in the buffer except for:
 - (a) Structures such as flag poles, signs, and security lights which would result in only diminutive increases in impervious area.
 - (b) Artificial stream bank or shoreline stabilization plans shall be submitted to the Woodbury Village Engineer for approval.
 - (c) Public projects such as road crossings, and greenways where no practical alternative exists.
 - (d) Decks, fences, swimming pools, patios and bridges. The Village engineer may

be requested to review such projects if the building inspector determines such a review is necessary.

- J. Development near streams, rivers, wetlands and other water bodies. In order to preserve the open character along major streams and other surface water bodies for environmental and ecological reasons, all development activity proposed within the following areas shall be subject to issuance of a Special Use Permit in accordance with Article VIII of this Code.
- (1) Within one hundred (100) feet of the mean high watermark (normal streambank) of any DEC classified stream within the Village of Woodbury;
 - (2) Within one hundred (100) feet of the boundary of a freshwater wetland as mapped by the New York State Department of Environmental Conservation;
 - (3) Within one hundred (100) feet of a Federal Jurisdictional Wetland;
 - (4) Within one hundred (100) feet of the mean high water mark of any pond, lake or other water body in excess of one-fourth ($\frac{1}{4}$ acre) of water surface area provided that such water body is not part of a public water supply system (regulated by Watershed Protection Overlay), or other water body has not been created as a site element which was earlier subject to Site Plan or Subdivision plat review and approval by the Village Planning Board.

§ 310-31.3. Workforce Housing Overlay District.

- A. Purpose and Intent. The Workforce Housing Affordability Overlay (WFH) is hereby established to foster the development of affordable housing in the Village of Woodbury. This act will provide the Village of Woodbury with additional zoning tools to achieve these goals. The WFH enables the Village to evaluate and delineate sites and control the impacts that such a development may have on the surrounding community. Furthermore, the WFH is intended to discourage urban sprawl while encouraging innovative, traditional neighborhood developments which will promote the public health, safety, and welfare of the community while preserving and/or enhancing property values within existing residential areas and preserving the unique character of the Village. The WFH applies to projects that enable the creation of affordable dwelling units through either new construction and/or rehabilitation in areas with available public water and sewer, generally within one quarter mile of public transportation, shops, and services.
- B. General Provisions.
- (1) The WFH overlay shall represent a new zone applied to the existing zoning map according to the amendment procedures set forth herein. The WFH may be applied to R-0.25A, LC, HB and LIO zoning districts in the Village of Woodbury provided all other criteria are satisfied. In the LIO district, the WFH overlay shall only be applied where projects are proposed to be part of or adjoining a mixed-use development. Unless expressly stated otherwise in this section, all lands affected by a WFH shall conform to all applicable provisions of this ordinance that are not consistent with the WFH. Once applied to a site, the underlying, use provisions shall no longer apply during the affordability period, but shall be governed by the Village Board's WFH

determination.

- (2) The Village Board of Trustees may attach such conditions upon the designation of a WFH as it may deem appropriate or as may be required as a result of environmental review.
- (3) Developments under this zone must substantially conform to Orange County's Comprehensive Plan and the Village of Woodbury Comprehensive Plan.

C. Site Standards.

- (1) Parcel Characteristics. This zone may only be applied to parcels with the following characteristics:
 - (a) Min Minimum of one acre in the R-0.25A, HB and LIO Districts and a minimum of 1.5 acres in the LC District.
 - (b) Direct access to a state, county, town or village road (frontage or driveway)
 - (c) Central water and sewer must serve the development
- (2) Principal Uses. The following principal uses are permitted by special permit of the Planning Board.
 - (a) Single and two family dwellings
 - (b) Multi-family dwelling units of three or more units provided that such dwelling units are arranged as individual dwelling units for the occupancy of individual households.
- (3) Accessory Uses.
 - (a) Within the WFH development, certain related accessory facilities may be permitted, either in a separate building or in combination with a building containing dwelling units, such as meeting rooms, self-service laundries, multi-purpose rooms, outdoor sitting areas, walking trails, and other similar outdoor recreation or leisure facilities and administrative, social and recreational buildings, structures, and areas. Such facilities shall be subordinate to the residential character of the development.
 - (b) Individual home occupations which are unlikely to cause a nuisance may be permitted upon approval of the Planning Board by special permit as set forth in the zoning code.
- (4) Site Density. The site density may be up to 6 units per net acre in the LC District, 8 units per net acre in the R-0.25A District and 12 dwelling units per net acre in the HB and LIO District. The density may be increased to 15 dwelling units per acre in the LIO District provided the dwelling units are within one half mile of the train station or commuter bus parking area. A minimum of thirty percent of the dwellings shall be affordable in all districts under the criteria herein.
- (5) Development Coverage. Development coverage may be up to 75% (for all impermeable surfaces). Building coverage may be up to 50%. A minimum of 15% of the total lot area shall be devoted to usable open space.
- (6) Parking. At least 2 off street parking spaces must be provided for each dwelling unit, except studios may be 1.5 per dwelling unit. An additional .5 spaces shall be provided per unit for visitor parking.

(7) Bulk Specifications.

- (a) Height – The maximum building height may be 35 feet or 2.5 stories, except in the L-IO zone it may be 45 feet with a maximum three and one-half stories. Where a structure is on a sloping site, the maximum height may be increased up to 48 feet at the discretion of the Planning Board and as measured by the Building Inspector. Chimneys, elevator penthouses, water tanks and similar projections shall not be included in such measurements, provided that such projection does not occupy more than 10% of the roof area.
- (b) Building Division – Buildings of 60 feet or more in length shall be visually divided into smaller increments to reduce the buildings apparent size and contribute to human scale development.
- (c) Architectural treatments such as varying natural building materials or roof lines, increased setbacks or projections, bay windows or porches should be utilized to create visual interest and reduce scale. No metal siding or concrete block should be visible on the outer façade of any structure. Architectural style should blend into the surrounding neighborhood.
- (d) Setbacks - The minimum distance between detached buildings shall be 25 feet. No principal building may be closer than 15 feet to a property line of the overall development with actual set back determined by the impact of the size, height and location of the building with reference to the surrounding neighborhood buildings. Consideration shall be given to the setbacks in the underlying zoning. Additional screening and buffering shall be provided between principal buildings and other properties in residential zones.
- (e) Appurtenances – Central refuse collection areas shall be located for the convenience of all units. They shall be supplied with an adequate number of covered receptacles and shall be provided with proper screening and maintenance. All parking areas, driveways, recreation areas and refuse collection areas shall be no closer than 10 feet to any building
- (f) Parking – Parking other than in driveways leading to a garage or carport, may not occur in a front yard. Driveway parking prohibition shall not apply to private internal access driveways within a residential development comprised of multiple dwellings or townhouses if such private driveways are properly sized for safe passage.

D. Occupancy Standards.

- (1) Occupancy of affordable dwelling units in this development shall be limited to households earning up to 130% of the Orange County median income.
- (2) Eligibility and affordability for affordable or workforce units in each WFH project shall be calculated and certified by the applicant and coordinated with the Orange County Office of Community Development.
- (3) Senior citizens dwelling units – same income requirements as above in which at least one person is 55 years of age or older except Senior Citizens are exempt from the First

Time Homebuyer criteria that they must be first time homebuyers.

- (4) For-sale– Sales prices shall be calculated on the basis of the median incomes of the target population, a down payment of at least 3%, and the calculation of applicable homeowners insurance, taxes, utilities and any homeowners association (HOA) or condominium maintenance fees. HOA and condominium, maintenance fees shall be calculated at the same rates as market rate residents in the same development.
 - (5) With respect to affordable rental units, it shall be the duty of the project owner or his agent to file a certification with the Village, which shall include evidence of each renter’s household size and income. Such documentation shall be considered compliance with the requirements of the WFH overlay. Such certification shall be filed not later than April 30th of each year.
 - (6) In the case of for-sale units (including cooperative and condominium units), the contract of sale shall include a covenant restricting occupancy of said units only to those persons and/or households permitted by the provisions of this code. Standard covenants and restrictions concerning occupancy and affordability approved by the Village Board shall be set forth in the award letter, the contract of sale and the deed filed in the Orange County Clerk’s Office.
 - (7) To the extent permissible under applicable State and Federal Fair Housing funding requirements, the initial sale or rental of a WFH affordable dwelling unit shall first be made available to the following households:
 - (a) Persons residing in the Village of Woodbury and serving in good standing in the fire department, police department or ambulance corps
 - (b) Persons employed at the time of initial tenancy or occupancy by the Village and/or Town of Woodbury, including the Monroe-Woodbury and Cornwall School Districts
 - (c) Persons employed by other municipal law enforcement including state and county
 - (d) Persons currently residing in the Village of Woodbury, and
 - (e) Persons currently living in Orange County
- E. Workforce Housing Overlay Application. Acceptance of an application of the Workforce Housing Overlay shall be at the sole discretion of the Village Board and shall require a determination by the Village Board that the application meets the following criteria:
- (1) Demonstrated Local Need. The local need for such a development within the community shall be demonstrated by the applicant to the satisfaction of the Village Board of Trustees
 - (2) Financial viability. The applicant shall document the ability to financially complete an affordable WFH project by supplying the following as a part of the WFH application process:
 - (a) An outline of all public and private financing for the proposed project
 - (b) Evidence of public funding acquired for the project if applicable

- (c) A proposed affordability plan outlining the targeted population
 - (d) A time line of the proposed project showing pre-development, development, close-out and application of public funds, if applicable
- (3) Evaluation and Mitigation of Significant Impacts - In the event the development shall significantly impact the adjacent area, public circulation, historic structures, density, the tax rate base, and any other relevant issues as may be identified by the Village Board of Trustees, the Village Board shall use all practicable means to minimize those environmental effects while still achieving the social, economic, and other goals of this ordinance.
- (4) In order to achieve a project that accomplishes the goals of this WFH Overlay District, balanced by acceptable impact on the surrounding neighborhood and community, the following shall be considered by the Village Board:
 - (a) The benefit the proposed work force housing will bring to the Village
 - (b) The extent of impact and change to the character of the neighborhood
 - (c) The extent any adverse physical or environmental impact in the surrounding neighborhood and community can be mitigated
 - (d) Consistency with the Village Comprehensive Plan and the County Comprehensive Plan

F. Site Development Concept Plan

- (1) The development concept of all areas encompassed by a WFH shall be adequately described by a Site Development Concept Plan comprised of scaled drawings and associated reports. At a minimum, the Site Development Concept Plan shall adequately describe:
 - (a) The boundary and area of the WFH district including underlying zoning districts.
 - (b) The general location, orientation, and size of proposed principal and ancillary structures and the individual lots upon which they are situated; associated parking, density, open space, landscaping, and recreation areas, refuse areas and stormwater management areas; the location, size and general treatment of environmentally sensitive areas; and the general pedestrian and vehicular traffic routes (external and internal) to and from the development.
 - (c) Tabular data, written statements, graphic materials and illustrations sufficient to demonstrate compliance with all applicable provisions of this law
 - (d) Any additional data that the Village Board deems necessary to evaluate the development proposal
- (2) Prior to making its determination regarding the approval of any final WFH submission, the Village Board shall seek the opinion of the Planning Board. The Planning Board shall have 45 days to report to the Village Board after the referral to the Planning

Board. If no report is forthcoming in this time, the Village Board may proceed to act. The preliminary and final WFH application shall be reviewed by the Village Technical Advisors (Planning, Engineering and Legal) and their recommendations sent to both the Planning Board and the Village Board.

- (3) After receipt of the Planning Board's and the Technical Advisors' recommendations, the Village Board shall meet initially with the applicant in open workshop session and when the application and all details have been discussed with the Board, a Public Hearing shall be noticed. Notices shall be sent to all property owners within 500 feet of the site seeking WFH designation
- (4) If the Village Board adopts the WFH district designation, the applicant shall proceed to site plan review by the Planning Board in accordance with the site plan review provisions of Article VIII of the Village Zoning Code. The site plan must be generally consistent with the concept approved as a basis for the WFH overlay district designation. If the Planning Board approves a site plan that varies from the concept approved by the Village Board in a significant dimension or density (10% or greater) the plan shall be referred back to the Village Board for review and approval. (The planning board may not approve density higher than that which is permitted herein)

G. Continued Affordability Requirements. All affordable units in a WFH development shall comply with the following provisions to ensure affordability of units in the approved WFH Overlay Zone:

- (1) 99 Year Affordability – All affordable units in the WFH shall remain affordable for a period of no less than ninety-nine years commencing from the date of initial occupancy of the unit.
- (2) Compliance – Affordability shall be monitored by the project management. For rental, condominium or cooperative projects, monitoring criteria shall be governed by the requirements of the New York State Department of Housing and Community Renewal. Affordability monitoring reports shall be supplied by the project to the Village by July 1 of each year.
- (3) Deed Restrictions – Provisions to ensure continued affordability of all affordable for-sale dwelling units in the WFH development shall be embodied in legally binding agreements and/or deed restrictions, which shall be prepared in a manner that conforms with the affordable regulatory restrictions set forth in paragraph d – Resale Restrictions
- (4) Resale Provisions and calculation of resale price – All units must be resold only to income-qualified households or individuals.

The designated management entity for a particular approved workforce housing project shall notify the Village Clerk of their intent to re-sell a unit and identify the intended purchaser once one has been established.

The maximum resale price may not exceed the purchase price plus the cost of permanent fixed improvements, adjusted for the increase in the consumer price index during the period of ownership of the unit and such improvements plus reasonable and

necessary resale expenses. Notwithstanding the foregoing, in no case shall the resale price exceed the income restrictions and guidelines established under DHCR Guidelines.

- (5) Rent Increases - Annual rent increases shall be limited to the percentage increase in the median household income within the Standard Metropolitan Statistical Area for Orange County.

§ 310-32. Retail Commercial development in LC District.

- A. Purpose. The purpose of the Limited Commercial District, as expressed in the Schedule of Zoning District Regulations, LC District, is as follows: to accommodate limited business activity along portions of Route 32 in a manner that retains the existing residential character and architectural style and development intensity while also recognizing the appropriateness of highway commercial uses, provided that they conform to the character of established surrounding development. This district provides for an area of transition between residential and commercial districts. It is further the intent of this district to save older or architecturally significant structures and their individual character. Both new and renovated structures should retain the character and scale of the surrounding neighborhood.
- B. Retail and personal service shops, as permitted in Item 9 under Special Permit Uses in the Schedule of Zoning District Regulations, LC District, are restricted as follows: retail shops limited to the sale of food, beverages and sundry products; including convenience stores; pharmacies; and service businesses, such as but not limited to beauty shops, nail salons, dry cleaners and travel agents, provided that:
 - (1) If multiple attached uses are proposed, such uses shall be combined with at least one other retail or personal service use permitted in the LC District.
 - (2) No single retail establishment shall exceed 8,000 square feet, except a supermarket, which shall not exceed 40,000 square feet.

§ 310-35. Dwelling unit for additional family member.

A temporary special permit may be granted by the Zoning Board of Appeals for an additional dwelling unit for the use of family members in accordance with the following:

- A. Additional unit may only be used for up to two additional persons directly related to the owners of the principal dwelling unit;

- B. The single family dwelling may be expanded up to 25% to a maximum of 1,000 square feet of the floor area of the principal dwelling unit to accommodate the new unit;
- C. All bulk dimensional requirements of the zoning district in which the dwelling is located must be complied with;
- D. In the event the property is either sold or the additional unit is vacated, the permit will become null and void. The property shall be restored to its original single family status and permanent cooking facilities (i.e.: stove) shall be removed;
- E. The applicant (property owner) shall provide to the Zoning Board of Appeals names of all persons who intend to occupy the additional unit. Home owner and intended occupants shall sign the special permit upon its approval by the ZBA; and
- F. All facilities are subject to an annual inspection by the Building Department.

§ 310-39.4. Car Washes

- A. Water for car washes must be treated and recycled by industry standard practices
- B. There shall be room for no less than five cars to queue on the subject property and no cars shall be permitted to queue on State, County or local roads.
- C. There shall be no vehicle repair work or garage on the premises.

§ 310-40. Off-street parking.

- A. Schedule of requirements.
 - (1) Accessory off-street parking spaces, open or enclosed, shall be provided according to the particular uses listed below in any district.
 - (2) An area not less than nine feet by 18 feet shall be provided per parking space.
 - (3) Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purposes of these regulations.
 - (4) For adjacent uses in the HB district or where more than one establishment exists on a lot in other districts, uses may be able to share parking spaces, where in the opinion of the Planning Board spaces may generally be utilized at different times. A legal agreement for the maintenance of shared parking shall be obtained if uses are under different ownership.

(5) The following shall be the required minimums for off-street parking spaces:

Use	Number of Spaces
Residential unit	2 per dwelling unit
Professional office in a residence	3 per office or 2 for each professional maintaining office hours for consultation, whichever is greater, in addition to that required for the residential use

Medical/dental office, including an office in a residence	1 for each 100 square feet of gross floor area, but not fewer than 3 per practitioner
General/ Professional Office	1 for each 200 square feet of gross floor area
Health club or fitness center	1 per 200 square feet of gross floor area
Home occupation	2 in addition to those which are required for the residential use
Restaurant or drinking establishment	1 for each 3 seats or 50 square feet of customer service area (i.e., all area other than kitchen and storage), whichever is greater
Fast-food restaurant	1 for each 40 square feet of customer service area
Theater, cinema, auditorium or place of public assembly	1 for each 4 seats or 1 for each 75 square feet of gross floor area, whichever is greater
Motel, hotel, bed-and-breakfast or boardinghouse	1 per guest unit, plus 1 for every 2 employees per largest shift
Hospital	1 per bed, plus 1 for every 2 employees
Sanatorium or nursing home	1 per every 3 beds, plus 1 for every 2 employees
Retail sales, arts, crafts and personal service establishment	1 for each 200 square feet of gross floor area
Light industry	1 for each 300 square feet of gross floor area or 1 per employee for the largest shift, whichever is greater
Wholesale, warehouse and storage	1 for each 2,000 square feet of gross floor area, plus 1 per employee; one parking space per 100 units unless in the Planning Board's judgment additional parking is required to accommodate the proposed size and layout of the self-storage spaces
Laboratory and research	1 for each 200 square feet of gross floor area
Museum or gallery	1 per 300 square feet of gross floor area
Commercial recreation	At least 2 for staff use or 1 per employee, whichever is greater, plus 1 space per 3 seats of spectator area if facility proposes to hold events, in addition to general patron parking as follows:

Bowling alleys	4 per bowling lane
Swimming pools	1 per 25 square feet of water area, excluding wading pools
Tennis courts	4 per court
Racquetball courts	1 per 100 square feet of activity area
Funeral home	1 per 3 seats or 60 square feet of space available for public use, whichever is greater
Farm winery	One space per 300 square feet or one per employee, whichever is larger
Wine tasting facility	One space per 200 square feet
House of Worship	1 per 200 square feet of gross floor area or 1 per 3 seats whichever is greater
Car Wash, both automated and self serve	1 space per each employee on the largest shift, plus 2 additional spaces per washing bay.
All other uses not mentioned or variations of above uses	Reasonable and appropriate off- street parking requirements for structures and land uses which do not fall within the categories listed above shall be determined by the Planning Board

- B. When more than one use is to be located on a lot, the site plan shall provide for the sum of the off-street parking space requirements for each use.
- C. Where, in the Planning Board's judgment, a use or combination of uses on a single lot will generate parking needs which are less than the total amount the zoning code requires the number of required spaces may be reduced by up to 25%.
- D. The storage of not more than one recreation vehicle or not more than one boat is permitted, provided that such trailer or boat is unoccupied and not stored between the street line and the front building line, except that one such vehicle or boat may be stored in a driveway. Under no circumstance may such a vehicle or boat be stored within 15 feet of a street line or closer to a property line than the minimum distance permitted for an accessory structure.
- E. No off-street parking shall be permitted within a required front yard in any district, except in the case of a driveway for a one- or two-family residence on other than a corner lot or where an exception is established pursuant to Subsection E as hereinafter provided.
- F. One unlicensed vehicle may be parked on the premises for a period of not exceeding six months, provided such vehicle is in running condition and is covered by an earth-tone cover. Any such vehicle shall be parked in the rear yard or side yard, but in no event closer than the front building line in the side yard. Where in the opinion of the Code Enforcement Officer it is impossible to locate such vehicle in the rear or side yard due to topographic conditions, then the Code Enforcement Officer may approve of a different location provided it is not aesthetically obtrusive.

§ 310-43. Nonconforming buildings

- A. Purpose. The purpose of this Section is to reduce or minimize impacts of buildings which do not conform to the Bulk Table or other dimensional regulations of this chapter
- B. A building lawfully existing on July 11, 1990 [the day immediately preceding the effective date of the Town predecessor to this chapter] or lawfully existing on the day immediately preceding the effective date of any amendment to this chapter affecting such building, regardless of change of title, possession or occupancy or right thereof, may be continued indefinitely, subject to the following:
 - (1) Such nonconforming buildings may be remodeled or reconstructed provided that such action does not create any new non-compliance or increase the degree of noncompliance in accordance with the permitted Bulk Table and other dimensional regulations of this chapter. An increase in the degree of noncompliance shall include, but not be limited to, the following:
 - (a) The lateral extension of the building, even where the distance of the that building to the property line remains the same.
 - (b) An upward expansion of the building, or the infilling of open-air space (such as a porch), even at the same dimension as an existing setback noncompliance (because such an expansion necessarily increases the mass or volume of the noncompliance).
 - (2) Reconstruction of a damaged nonconforming building.
 - (a) A nonconforming building (whether housing a conforming or a nonconforming use) which has been damaged by fire or other causes to the extent of more than 50% of its fair market value shall not be repaired or rebuilt unless such building is made to conform to the height and yard requirements of the Bulk Table, and other dimensional regulations of this chapter.
 - (b) Application for a permit to repair or rebuild a nonconforming building damaged 50% or less shall be filed within one year of the day of such damage. If such permit is issued, it shall expire two years thereafter at which time all work must be completed or a certificate of occupancy shall not be issued.
 - (3) Repairs and maintenance. Consistent with the foregoing regulations, nothing in this article shall be deemed to prevent normal maintenance and repair of any nonconforming building
 - (4) The reduction in square footage of a nonconforming building shall be permitted unless, in the Building Inspector's opinion, special circumstances exist which are likely to cause adverse environmental impacts in which case the applicant shall obtain a special permit from the Zoning Board of Appeals.

§310-43.1. Nonconforming Lots of Record

- A. A single residential lot separated by other land not in the same ownership and made nonconforming as to area or width by the 2009 revisions to this chapter, and not otherwise vested as to other zoning by State statutory or common law, may be used for a single-family dwelling, provided that the lot complies with the setback requirements of the district in which it is located.
- B. Two or more adjacent lots under the same ownership that were made non-conforming as to area or width by the 2009 revisions to this chapter, and not otherwise vested as to other zoning by State statutory or common law, may each be used for one single family dwelling provided that the lot complies with the setback requirements of the district in which it is located.
- C. Residential lots that were made nonconforming as a result of the enactment of revisions to this chapter as to area and width shall not be required to secure a variance from the Zoning Board of Appeals for construction of a single family residence provided the minimum area provided conforms with the following:
 - (1) Lots subdivided prior to 1953 shall have a minimum lot area of 15,000 square feet
 - (2) Lots subdivided later than 1953, but prior to July 12, 1990 require a minimum of 20,000 square feet.
 - (3) Lots subdivided on and after July 12, 1990 require a minimum of 30,000 square feet or the minimum lot requirements for the district in which the subdivision was approved.
 - (4) Lots shall have access to municipal water and sewer services or, if not available to the site, water and sewer services shall meet current New York State and Orange County Health Department standards.
 - (4) Lots shall meet all setback requirements for the district in which it is located.
- D. All lots mentioned in Sections B and C above shall have a minimum lot width of 100 feet.

§ 310-43.2. Nonconforming Uses.

- A. Purpose. The purpose of this Section is to reduce or minimize impacts of uses of buildings and open land that do not conform to the use requirements set forth in this chapter.
- B. Nonconforming uses. Except as provided hereinafter, the nonconforming use of buildings or land lawfully existing on July 11, 1990 [the day immediately preceding the effective date of the Town predecessor to this chapter] or the nonconforming use of buildings or land lawfully existing on the day immediately preceding the effective date of any amendment to this chapter affecting such use, regardless of change of title, possession or occupancy or right thereof, may be continued indefinitely, except that such use:
 - (1) Shall not be enlarged, altered, extended, or restored, or placed on a different portion of the lot or parcel of land occupied by such use, nor shall any external evidence of such use be increased by any means whatsoever, except as provided in Subsection C herein.
 - (2) Shall not be moved to another location where such use would be nonconforming.
 - (3) Shall not be changed to another nonconforming use without approval by the Board of

Appeals, and then only to a use which, in the opinion of said Board, is of the same or of a more-restrictive nature.

- (4) If changed to a more-restrictive nonconforming use, shall not be changed back to a less-conforming use.
 - (5) Shall not be reestablished or changed to another nonconforming use if such use has been discontinued for any reason for a period of one year. Intent to resume a nonconforming use shall not confer the right to do so.
 - (6) Shall not be reestablished if such use has been changed to or replaced by a conforming use.
 - (7) Shall not be repaired or rebuilt if the nonconforming use is damaged by fire or other causes to the extent of 50% or more of its fair market value as determined by the Assessor unless the use is changed to a conforming use.
- C. Expansion of nonconforming use. Notwithstanding any other provision herein, the Zoning Board of Appeals may issue a special permit for the expansion of a nonconforming use of a building by up to 10% of the floor area of the principal structure, provided it finds that:
- (1) Said expansion of the use is not detrimental to surrounding properties or to the health, safety and general welfare of the immediate neighborhood, and
 - (2) No need for an expansion of off-street parking or traffic generation will occur in a residential district as a result of such an expanded use.

Section 5: Schedules of Zoning District Regulations

The Schedules of Zoning District Regulations of the Code of the Village of Woodbury are hereby repealed and replaced with Attachment “A” of this Local Law.

Section 6: Savings Clause.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

Section 7: Superseding Provision.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this

Local Law or the procedures followed for its adoption, then such laws, including, but not limited to, New York Village Law §§ 7-706, 7-708, 7-709 and common law vesting, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

Section 8: Effective Date.

This Local Law shall take effect immediately upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.