

PROPOSED LOCAL LAW E OF 2015

A LOCAL LAW Amending Chapter 295 Zoning of the Code of the Village of Hastings-on-Hudson to add provisions for a new Gateway Cluster Overlay District

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: Section 295-6 of the Zoning Code of the Village of Hastings-on-Hudson is hereby amended to the enumeration of Districts the following:

Gateway Cluster Overlay	GCO
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Section 2: Chapter 295 Zoning of the Code of the Village of Hastings-on-Hudson is hereby amended to add new Section 295-85.1 Gateway Cluster Overlay District as follows:

§295-85.1 Gateway Cluster Overlay District

A. Purpose. The Comprehensive Plan of the Village of Hastings-on-Hudson adopted in 2011 identified large tracts located within the Village's Gateways as representing important viewsheds along major roadways, and also indicated that these parcels contain important natural resources which should be protected and preserved. The use of clustering for future development of these parcels will help to preserve the natural and scenic qualities of these parcels and preserve the character of the Gateways to the Village.

B. Authorization. In connection with any application for subdivision of a property within the Gateway Cluster Overlay District, the Planning Board of the Village of Hastings-on-Hudson is hereby authorized, pursuant to New York State Village Law §7-738 to modify applicable provisions of this Chapter to enable and encourage flexibility of design and development of land in such manner as to preserve the natural and scenic qualities of open space lands, including open meadows, woodlands, scenic views and wetlands. Any subdivision designed under this article shall indicate on the final plat that it is a cluster subdivision.

C. Mandatory Clustering. The Planning Board shall require an applicant to submit a cluster plan utilizing the provisions of this section and §7-738 for the development of parcels four acres or greater in size located within the Gateway Cluster Overlay District. The Planning Board, at its discretion, may mandate cluster development of a parcel of four acres or less in size in order to preserve the natural and scenic qualities of open lands.

D. Density Determination. A cluster development shall result in a permitted number of building lots or dwelling units which shall in no case

exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the Zoning Code applicable in the underlying zoning district. The applicant shall submit a conventional subdivision layout to determine the maximum density for the cluster subdivision. The conventional layout must consider environmental constraints on development as well as roads, utilities and other attributes which would impact the density of a conventional subdivision.

E. Development Standards and Controls.

(1) In connection with approval of a subdivision plat pursuant to this section and §7-738, the Planning Board is hereby authorized to modify the minimum lot size and width, required yards and lot coverage, however, the maximum building height shall not be modified. The Planning Board shall also have the authority to modify requirements for widths of roads, provided that adequate provision is made for fire and emergency access.

(2) In applying the provisions hereof, the Planning Board shall have the authority to permit detached, semi-attached and attached housing units.

(3) A 150 foot buffer shall be provided along the lot frontage on all streets and a 50 foot buffer shall be provided around the perimeter of any cluster subdivision from all other property lines. No structures except for entrance roads or driveways shall be permitted within such buffer. At the discretion of the Planning Board, the buffer can be maintained in its natural state or landscaped pursuant to an approved landscape plan.

(4) Permitted uses shall include all uses permitted in the underlying zoning district and as permitted therein.

(5) The cluster subdivision shall result in restricted open spaces as determined by the Planning Board. All open space, recreation or common areas shall be restricted, managed and maintained in accordance with a form of legal ownership and restrictions to be approved by the Planning Board and the Village Attorney.

(6) The procedure to be followed for approval of a cluster subdivision shall be the same as for approval of a conventional subdivision pursuant to Article XIII of this Chapter and all provisions thereof not modified by this section shall apply.

(7) The Planning Board shall ensure that clustering hereunder preserves the natural and scenic qualities of open space lands, including open meadows, woodlands, scenic views and wetlands.

Section 3: The Zoning Map of the Village of Hastings-on-Hudson, as referred to in Section 295-7 of the Code, is hereby amended to indicate the following properties as within the Gateway Cluster Overlay District:

Section 4.110, Block 105, Lots 1, 2, and 3

Section 4.130, Block 139, Lots 1.1, 2 and 3 and 4

Section 4.140, Block 142, Lots 1 and 2

Section 4.140, Block 150, Lot 2

Section 4: If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 5: This local law shall take effect immediately upon filing with the Secretary of State.