

**REDLINE**  
**McCULLOUGH, GOLDBERGER & STAUDT, LLP**

To: Mayor, Trustees, and Village Administrator of the Village of Bronxville  
From: James Staudt and Amanda L. Brosy  
Date: November 7, 2017  
Re: Business District Zoning Code Changes in Redline

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**CHAPTER 310: ZONING**

**§ 310-3 Definitions.**

**RETAIL ESTABLISHMENT**

An establishment engaged in selling goods, merchandise, and/or services on premises to the general public at retail for personal or household consumption or for business use ~~and rendering services incidental to the sale of such goods. Typically s~~Such an establishment may also provide services related to the products it sells, such as an eyeglass store which provides eyeglass examinations, or a jewelry store that fabricates or repairs jewelry it sells. ~~is a place of business and is engaged in activity to attract the general public to buy; buys and receives as well as sells merchandise; may process or manufacture some of the products, such as a jeweler or baker, but such production or manufacture is incidental or subordinate to the selling activities; and sells to customers for their own personal, household, or business use.~~ Such an establishment may have a retail food establishment as an accessory use located entirely within the principal structure and with no exterior entrance of its own.

**§ 310-14 Central Business A District.**

In a Central Business A District, no building or premises shall be used and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose except those set forth below. Any use not specifically permitted in Subsection A of this section or § 310-42 of this chapter, or any use which is noxious or offensive by reason of emission of odor, dust, noise, smoke, fumes, or radiation, or which presents a hazard to public health or safety, is prohibited.

**A. Principal permitted uses:**

- (1) Retail establishment, but excluding a supermarket or vehicle dealership. If such use is located within 250 feet of the boundary of a district zoned for residence, including AAA, AA, A, B, C, and D Residence Districts, such establishment may not be operated between the hours of 12:00 midnight and 7:00 a.m.
- (2) Service establishment, such as but not limited to tailoring or dressmaking, cobbler, optician, funeral home, photocopy shop, photography studio or film or other image processor.
  - (a) Service establishments may have an accessory retail component, such as the sale of retail products by an optician.

## REDLINE

- (b) Service establishments that provide medical-related products or services, such as opticians, hearing-aid providers, medical equipment providers or prosthetic providers and similar providers of medical-related products or services, shall not be deemed medical or health-care professionals, provided that such use is primarily retail.
- (c) If such use is located within 250 feet of the boundary of a district zoned for residence, including AAA, AA, A, B, C, and D Residence Districts, such establishment may not be operated between the hours of 12:00 midnight and 7:00 a.m.
- (3) Personal service establishment, such as but not limited to a barbershop, beauty salon, nail salon, or day spa, as regulated below.
  - (a) No personal service establishment shall occupy street level space on Pondfield Road between Kraft Avenue and Cedar Street/Tanglewylde Avenue.
- (4) Office, including clerical, administrative, professional and other business office, as regulated below.
  - (a) No office shall occupy street level space on Pondfield Road between Kraft Avenue and Cedar Street/Tanglewylde Avenue, or on Palmer Avenue between Parkway Road and Paxton Avenue.
- (5) Restaurant.
- (6) Dry cleaner, counter service only; cleaning plant is not allowed on the premises.
- (7) Place of worship and related educational facility.
- (8) Dwelling unit.
  - (a) Separate dwelling units may be allowed above the street level floor of a building, and in no case shall residential use be allowed as a street level use.
  - (b) No one dwelling unit shall exceed 2,000 gross square feet in area. Such limit may be increased by special permit of the Planning Board in accordance with standards of Article VII of this chapter to a gross square footage not exceeding 6,600 square feet.
  - (c) The exterior entrance to the dwelling unit(s) shall be separate from that of any nonresidential use.
  - (d) Parking shall be on a separate floor from residences.
- (9) Carry-out food establishments.
  - (a) No carry-out food establishment shall be permitted within 100 linear feet of any other carry-out food establishment on the same side of the street. Such distance shall be measured from the closest point of each establishment to the other. The measurement shall be continued on the same side of the street around any street corner within the one-hundred-foot distance; provided, however, that the Planning Board may waive this requirement if it determines that such a waiver is appropriate given the particular circumstances of the proposed use and its location. ~~distance restriction in cases where the~~

## **REDLINE**

~~resulting intensity of use will not be detrimental to the public health, safety and/or welfare.~~

- (b) The cumulative floor area devoted to food preparation shall not exceed 25% of the gross floor area.
  - (c) The cumulative floor area devoted to the retail sale and/or display of goods for consumption off premises shall be a minimum of 50% of the gross floor area.
  - (d) Seating provided for consumption on the premises shall be clearly accessory to the retail sale of goods and shall be limited to 12 seats.
  - (e) The establishment shall comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
  - (f) If such use is located within 250 feet of the boundary of a district zoned for residence, including AAA, AA, A, B, C, and D Residence Districts, such establishment may not be operated between the hours of 12:00 midnight and 7:00 a.m.
- (10) Health professional office.
- (a) Definitions. As used in this subsection, the following terms shall have the meanings indicated:  
  
**HEALTH PROFESSIONAL OFFICE**  
Any business office of a health professional, as defined in § 310-3 of this chapter.
  - (b) Health professional offices shall have one parking space per 300 square feet for the first 600 square feet of gross floor area and one parking space per 150 square feet of gross floor area above 600 square feet.
  - (c) The facade of health professional offices on the street level shall be at least 50% clear, unobstructed glass window.
  - (d) No health professional office shall occupy street-level space on Pondfield Road between Kraft Avenue and Cedar Street/Tanglewylde Avenue nor shall it occupy street-level space on Palmer Avenue between Parkway Road and Paxton Avenue absent a special permit.
  - (e) If such use is located within 250 feet of the boundary of a district zoned for residence, including AAA, AA, A, B, C, and D Residence Districts, such establishment may not be operated between the hours of 12:00 midnight and 7:00 a.m.
- (11) Financial office or bank
- (a) No banks or financial offices shall occupy street-level space on Pondfield Road between Kraft Avenue and Cedar Street/Tanglewylde Avenue nor shall they occupy street-level space on Palmer Avenue between Parkway Road and Paxton Avenue absent a special permit.

## REDLINE

- (b) In other locations, a bank or financial office may occupy street level, provided that the street level facade of the proposed use has at least 50% of its area in clear, unobstructed glass window and there is a minimum distance, measured from the closest point of each establishment to the other, of 150 feet between the proposed bank or financial office and any existing street level bank or financial office on the same side of the street. The measurement shall be continued on the same side of the street around any street corner within the one-hundred-foot distance; provided, however, that the Planning Board may waive this distance requirement if it determines that such a waiver is appropriate given the particular circumstances of the proposed use and its location. ~~restriction in cases where the resulting intensity of use will not be detrimental to the public health, safety and/or welfare.~~
  - (c) Bank or financial office off-street parking requirement: eight spaces, together with four additional spaces for each teller position in excess of two.
  - (d) For the purposes of calculating off-street parking, each automatic teller machine is deemed a teller position.
  - (e) If such use is located within 250 feet of the boundary of a district zoned for residence, including AAA, AA, A, B, C, and D Residence Districts, such establishment may not be operated between the hours of 12:00 midnight and 7:00 a.m.
- (12) Real estate office or agency.
- (a) In no case shall a real estate agency or real estate office occupy street level space on Pondfield Road between Kraft Avenue and Cedar Street/Tanglewylde Avenue or on Palmer Avenue between Parkway Road and Paxton Avenue.
  - (b) In other locations, a real estate agency or real estate office may occupy street-level space, provided that the street-level facade of the proposed use has at least 50% of its area in clear, unobstructed glass window and there is a minimum distance, measured from the closest point of each establishment to the other, of 150 feet between the proposed real estate agency or real estate office and any existing street-level real estate agency or real estate office on the same side of the street. The measurement shall be continued on the same side of the street around any street corner within the one-hundred-foot distance; provided, however, that the Planning Board may waive this distance restriction in cases where the resulting intensity of use will not be detrimental to the public health, safety and/or welfare.
  - (c) If such use is located within 250 feet of the boundary of a district zoned for residence, including AAA, AA, A, B, C, and D Residence Districts, such establishment may not be operated between the hours of 12:00 midnight and 7:00 a.m.
- [ . . . ]
- E. Off-street parking controls. No building shall be erected or enlarged and no change of use shall be approved unless provision is made for adequate off-street parking to serve such building or use, as provided below.

## REDLINE

- (1) At the discretion of the Planning Board, the off-street parking requirement for new construction, enlargement, or change of use equal to or less than 3,500 square feet may be reduced or eliminated.
- (2) For new construction, enlargement, or change of use involving more than 3,500 square feet, the Planning Board may reduce the required parking if it determines that such a reduction is warranted by the particular circumstances of the application under consideration ~~upon the submission of a parking analysis prepared by a licensed design professional demonstrating adequate parking availability whether on site or off site in public parking or lots and garages open to the public that are located within 300 feet of the proposed construction, enlargement, or change of use.~~
- (3) Any off-street parking spaces eliminated as the result of building construction shall be replaced.
- (4) No use shall reduce or redesignate its required off-street parking spaces to serve other structures or uses to a number below that which is the minimum required by this chapter.
- (5) Parking shall not be a principal street level use unless fully enclosed in an existing building, when such building is set back a minimum 50 feet from the street line.
- (6) With the exceptions stated above, the following off-street parking requirements shall be met for principal permitted uses:
  - (a) Retail and Restaurants: one space per 300 square feet of the first 2,500 square feet of gross floor area; together with one additional space for each additional 200 square feet of gross floor area thereafter.
  - (b) Service: one space per 300 square feet of the first 2,500 square feet of gross floor area; together with one additional space for each additional 200 square feet of gross floor area thereafter.
  - (c) Business or professional office (other than medical and health-care professional): one space per 300 square feet of the first 2,500 square feet of gross floor area; together with one additional space for each additional 200 square feet of gross floor area thereafter.
  - (d) ~~Restaurant: one space per three seats or one space per 100 square feet of gross floor area, whichever is greater.~~ Intentionally omitted.
  - (e) Dwelling unit: one space per studio; two spaces for all other dwelling unit types.
- (7) For principal permitted uses in Central Business A District that are not listed above, the Planning Board shall determine the minimum number of required off-street parking spaces.
- (8) See Article VII, Special Permits, of this chapter for other off-street parking requirements.

### § 310-15 Service Business B District.

- E. Off-street parking controls. No building shall be erected or enlarged and no change of use shall be approved unless provision is made for adequate off-street parking to serve such building or use, as provided below.

## REDLINE

- (1) At the discretion of the Planning Board, the off-street parking requirement for new construction, enlargement, or change of use equal to or less than 3,500 square feet may be reduced or eliminated.
- (2) For new construction, enlargements, or change of use involving more than 3,500 square feet, the Planning Board may reduce the required parking if it determines that such a reduction is warranted by the particular circumstances of the application under consideration ~~upon the submission of a parking analysis prepared by a licensed design professional demonstrating adequate parking availability whether on-site or off-site in public parking or lots and garages open to the public that are located within 300 feet of the proposed construction, enlargement, or change of use.~~
- (3) Any off-street parking spaces eliminated as the result of building construction shall be replaced,
- (4) No use shall reduce or redesignate its required off-street parking spaces to serve other structures or uses to a number below that which is the minimum required by this chapter.
- (5) Parking shall not be a principal street level use unless fully enclosed in an existing building, when such building is set back a minimum 50 feet from the street line.
- (6) With the exceptions stated above, the following off-street parking requirements shall be met for principal permitted uses:
  - (a) Retail and Restaurants: one space per 300 square feet of the first 2,500 square feet of gross floor area; together with one additional space for each additional 200 square feet of gross floor area thereafter.
  - (b) Service: one space per 300 square feet of the first 2,500 square feet of gross floor area; together with one additional space for each additional 200 square feet of gross floor area thereafter.
  - (c) Business or professional office (other than medical and health-care professional): one space per 300 square feet of the first 2,500 square feet of gross floor area; together with one additional space for each additional 200 square feet of gross floor area thereafter.
  - (d) ~~Restaurant: one space per three seats or one space per 100 square feet of gross floor area, whichever is greater.~~ Intentionally omitted.
  - (e) Dwelling unit: one space per studio; two spaces for all other dwelling unit types.
- (7) For principal permitted uses in Service Business B District that are not listed above, the Planning Board shall determine the minimum number of required off-street parking spaces.
- (8) See Article VII, Special Permits, of this chapter for other off-street parking requirements.

### § 310-26. Site plan approval.

- A. Site plan approval required. Pursuant to § 7-725-a of the Village Law, no land shall be cleared or altered nor shall any building or other structure be constructed, demolished, moved, externally

## REDLINE

altered or enlarged, nor shall any watercourse, floodplain or wetlands be diverted, dredged or filled, nor shall the use of any land, building or other structure be changed, nor shall any building or other use permit be issued, except in accordance with final approval of a site plan granted by the Planning Board pursuant to this article, except detached single-family residential buildings permitted as-of-right under applicable zoning regulations; provided, however, building permits for interior alterations only, not involving a change in use, shall not require site plan approval. Further provided, a change in permitted use of first floor space in the Central Business A District and Service Business B District to another use within the same permitted use category (e.g., retail establishment to another retail establishment, or restaurant to another restaurant), not involving changes to any previously issued special permit, shall not require site plan approval. Further provided, that in the Central Business A District and Service Business B District, a change from a permitted retail, service, or restaurant use to a permitted office use not involving changes to any previously issued special permit shall not require site plan approval.

- B. Pre-application filing. Prior to filing an application for development, a developer and/or his or her representative may and shall, in the case of any development, the cost of which is estimated to exceed \$50,000, request in writing an informal meeting with the Planning Board and Design Review Committee to obtain general information and guidance before entering into binding commitment or incurring unnecessary expense related to formal application. The purpose of such review is to provide an informal and free exchange of ideas. Such a pre-application filing shall not be deemed to be the filing of an application for development for the purpose of determining the time within which an application must be acted upon by the Planning Board. The request shall be accompanied by a written description or diagrammatic material outlining the matters the applicant wishes to review. No statements or representations made prior to formal review shall be binding on the Village.
- C. Conditions attached to the approval of site plans. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Village.

### § 310-42 Individual standards and requirements for certain special permit uses.

- J. Banks or financial offices occupying street-level space on Pondfield Road between Kraft Avenue and Cedar Street/Tanglewyld Avenue or on Palmer Avenue between Parkway Road and Paxton Avenue.
  - (1) A bank or financial office may occupy street level, provided that the street-level facade of the proposed use has at least 50% of its area in clear, unobstructed glass window and there is a minimum distance, measured from the closest point of each establishment to the other, of 150 feet between the proposed bank or financial office and any existing street-level bank or financial office on the same side of the street. The measurement shall be continued on the same side of the street around any street corner within the one-hundred-fifty-foot distance; provided, however, that the Planning Board may waive this requirement if it determines that such a waiver is appropriate given the particular circumstances of the proposed use and its location. ~~distance restriction in cases where the resulting intensity of use will not be detrimental to the public health, safety and/or welfare.~~
  - (2) Bank or financial office off-street parking requirement: eight spaces, together with four additional spaces for each teller position in excess of two.

## REDLINE

- (3) For the purposes of calculating off-street parking, each automatic teller machine is deemed a teller position.
- (4) If such use is located within 250 feet of the boundary of a district zoned for residence, including AAA, AA, A, B, C, and D Residence Districts, such establishment may not be operated between the hours of 12:00 midnight and 7:00 a.m.

### § 310-45 Comprehensive Plan.

The Village Board has the authority to adopt and amend a Comprehensive Plan from time-to-time, and the Village Board may in its discretion refer issues regarding the Comprehensive Plan to the Planning Board for its advice.

- ~~A. — Preparation and recommendation. The Planning Board shall prepare and recommend to the Board of Trustees to adopt a Comprehensive Plan within the meaning of § 7-722, Subdivision 8, of the Village Law, for the physical, economic and social development of the Village. The Planning Board may from time to time recommend revisions to the Comprehensive Plan or component parts thereof to the Board of Trustees. Certified copies of the Comprehensive Plan and all modifications thereof shall be on file in the office of the Village Engineer and the Village Clerk.~~
- ~~B. — Form and elements. The Comprehensive Plan shall generally include, without limitation and where appropriate, the following elements:~~
- ~~(1) — A statement of goals, policies and assumptions upon which the constituent proposals relating to land use and development in the Village are based;~~
  - ~~(2) — A land use plan element including, but not necessarily limited to, topography, soil conditions, water supply, drainage, floodplain areas, marshes and woodlands;~~
  - ~~(3) — showing the existing and proposed location, extent and intensity of development of land for varying types of residential, commercial, industrial, recreational, educational and other public and private purposes or combination of purposes; and including a statement of the standards of population density and development intensity recommended for the area;~~
  - ~~(4) — A circulation plan element showing the existing and proposed location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about and through the area;~~
  - ~~(5) — A utility service plan element showing the existing system and analyzing the need for future replacement of or improvement to water supply and distribution facilities, sewerage and waste treatment, solid waste disposal and other related utilities;~~
  - ~~(6) — A community facilities plan element showing the existing and proposed location and type of educational, cultural or religious facilities, libraries, hospitals, fire houses, police stations and other related facilities, indicating the relationship of these facilities to the surrounding areas;~~

## **REDLINE**

- ~~(7) — A recreation plan element showing the existing and proposed public areas and facilities for recreation;~~
  - ~~(8) — A conservation plan element providing for the preservation of natural resources, including, to the extent appropriate, open space, rivers and other waters and other natural resources; and~~
  - ~~(9) — An historic preservation plan element showing buildings and areas having an historic or other significance and any proposals providing for their preservation.~~
- ~~C. — Review of Comprehensive Plan and report by Planning Board. The Planning Board shall, at least every five years, review the Comprehensive Plan and prepare a report on the findings of such review. The Planning Board shall send a copy of the report to the Board of Trustees. The first such report shall be completed and submitted by December 31, 1982. The report of the Planning Board shall include, without limitation:~~
- ~~(1) — A summary of the proposals made in the Comprehensive Plan and a statement with regard to each as to the extent the proposals have been implemented. If there has been no such implementation or only partial implementation, the report shall explain whether the situation prompting the proposals still exists and whether implementation is still desirable.~~
  - ~~(2) — An analysis of significant changes in the goals, policies and assumptions forming the basis for the Comprehensive Plan and, where such changes are found to have occurred, a statement of the goals, policies and assumptions which now form such basis.~~
  - ~~(3) — On the basis of present goals, policies and assumptions, either:
    - ~~(a) — A report on the proposals the Planning Board now recommends, as set forth in a revision or partial revision, of the Comprehensive Plan; or~~
    - ~~(b) — A listing of the subjects the Planning Board will study along with a time schedule for completion of study; or~~
    - ~~(c) — A combination of both of the foregoing.~~~~
- ~~D. — Relationship to other plans. The Comprehensive Plan shall include a statement indicating the relationship of the proposed development of the Village, as described in the Comprehensive Plan, to any comprehensive county, state or federal guide plan.~~

## **CHAPTER A321: FEES SCHEDULE**

### **§ A321-6 Chapter 310, Article X.**

Schedule of initial deposits required under Article X of the Zoning Code:

- A. For subdivisions and residential site plan applications:

<b>Number of Dwelling Units or Lots</b>	<b>Initial Deposit Amount</b>
1 to 4	\$5,000

**REDLINE**

5 to 25

\$25,000

25 or more

\$25,000 + \$1,000 per unit

B. For nonresidential site plan applications:

(1) Up to and including 2,500 square feet: \$5,000

(2) More than 2,500 square feet: \$5,000 plus \$2 per square foot.

C. For wireless communication facilities: \$5,000.

D. Other applications to the Village Board, Planning Board, Design Review Committee and/or Zoning Board where the Superintendent of Buildings or Village Engineer determines that professional consultation services will be required: \$2,500.

E. Provided, however, that the Village Administrator may reduce the required amount of the above deposits in his or her discretion depending upon individual circumstances.