

## **NOTICE TO INTERESTED PARTIES**

NOTICE IS HEREBY GIVEN that a public hearing will be reconvened by the Town Board of the Town of Yorktown, Westchester County, New York, at Lakeside at Osceola (a/k/a Osceola Beach), 399 East Main Street, Jefferson Valley, NY 10535 on Tuesday, July 7, 2009 at 6:30 p.m. or as soon thereafter as the same can be heard. (In the event of inclement weather, the public hearing will be held in the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598, at the same date and time. A message will be posted on the Town's website, [www.yorktownny.org](http://www.yorktownny.org), on July 7, 2009 indicating if the venue will be moved to 363 Underhill Avenue due to inclement weather.) The public hearing will be reconvened for the public to comment orally and/or in writing upon the proposed changes to the Zoning Text of the Town of Yorktown described below.

ALL PERSONS INTERESTED in this matter may appear before the Board in person or by agent or attorney, and will be heard before any final determination is made. In addition, written comments can be submitted through the close of business on July 21, 2009 to John Tegeder, R.A., Town of Yorktown Director of Planning, 363 Underhill Avenue, Yorktown Heights, NY 10598.

## **PROPOSED ZONING TEXT CHANGES:**

SECTION I – Chapter 300 of the Code of the Town of Yorktown is hereby amended by deleting Section 300-5 in its entirety and replacing it with the following:

§ 300-5. District classification.

The Town of Yorktown is hereby divided into the following classes of districts:

A. General district, residence.

- (1) R1-200 One-Family Residential Districts.
- (2) R1-160 One-Family Residential Districts.
- (3) R1-80 One-Family Residential Districts.
- (4) R1-40 One-Family Residential Districts.
- (5) R1-20 One-Family Residential Districts.
- (6) R1-10 One-Family Residential Districts.
- (7) R-2 Two-Family Residential Districts.
- (8) R-2A Multifamily Residential Districts.
- (9) R-3 Multifamily Residential Districts.
- (10) RSP-1 Age-Oriented Community.
- (11) R-3A Residential Medium-Density (within CBD) District.
- (12) RSP-2 Senior Citizens District.
- (13) RSP-3 Age-Oriented Geriatric Community.

B. General district, business.

- (1) CRC Commercial Regional Center District (special district).
- (2) C-1 Commercial Shopping Center Districts (special district).

- (3) C-2 Commercial Hamlet Center Districts.
  - (4) C-2R Commercial Hamlet Center District.
  - (4) CR Commercial Recreation Districts (special district).
  - (5) C-3 Commercial Limited Districts.
  - (6) C-4 Commercial General Districts.
  - (7) CC Country Commercial.
- C. General district, laboratory and office.
- (1) OB Research Laboratory and Office District (special district).
  - (2) O Office District.
- D. General district, industry.
- (1) I-1 Light Industrial Park Districts (special districts).
  - (2) I-2 Planned Light Industrial Districts (special districts).
- E. General district, IN, interchange.
- (1) IN Planned Interchange Districts.

SECTION II – Section 300 of the Code of the Town of Yorktown is hereby amended by deleting sub-paragraph (c) and (d) of Section 300-11G(1) in its entirety and replacing it with the following:

- (c) The required street frontage for C-1 Districts shall be 175 feet; C-3 Districts shall be 100 feet; I-2 Districts shall be 75 feet; and O districts shall be 75 feet.
- (d) The required street frontage for RSP-1, OB, and I-1 Districts shall be in accordance with an approved plan of development approved by the Town Board.

SECTION III – Section 300-21 of the Town of Yorktown is hereby amended by deleting subsection "C." entitled "Use Regulations" in its entirety and replacing it with the following:

C. Use regulations.

- (1) Single-family residential districts, R1-200, R1-160, R1-80; R1-40; R1-20 and R1-10.(a) Permitted main uses in the above-mentioned districts shall be as follows:

[1] One single-family dwelling per lot.

[2] Public elementary, middle, and high schools.

- [3] Governmental use of the Town of Yorktown, New York, except incinerators or dumps.
  - [4] Farms, farm uses, customary farm occupations, stables, plant and tree nurseries and greenhouses in accordance with the provisions of § 300-45, provided that no retail sales space greater than 500 square feet in area is maintained on the premises in connection with their use.
  - [5] Private and public parks, parkways and recreation facilities, but not including a commercial facility.
  - [6] Deposit of waste material in accordance with the provisions of § 300-17.
  - [7] Extraction of stone, clay, sand and gravel or other natural resources for a noncommercial purpose in accordance with the provisions of § 300-14.
  - [8] Conforming uses as permitted by § 300-177.
- (b) Main uses permitted by special permit (in accordance with provisions of Article VII) in the above-mentioned districts shall be as follows:
- [1] Bus passenger shelters.
  - [2] Camps and day camps.
  - [3] Convalescent or nursing homes.
  - [4] Places of religious worship, convents and rectories.
  - [5] Religious, charitable and eleemosynary institutions, as defined herein.
  - [6] Day-care facilities and nursery schools in accordance with the standards set out in § 300-53.
  - [7] Golf clubs and country clubs.
  - [8] Private and parochial elementary and high schools in accordance with the provisions of § 300-55.
  - [9] Conversion of an existing dwelling built prior to January 1, 1930, and having a usable floor area of not less than 1,300 square feet for

two-family or multiple residences, hotels, eating places in accordance with the standards of § 300-68.

- [10] Conversion of an existing dwelling to limited office use in accordance with the standards of § 300-51.
- [11] Social, cultural and recreational uses serving a community need or convenience and not including any activity carried on primarily for profit.
- [12] Radio, television and other electronic transmission stations or towers, including wireless communications facilities.
- [13] Telephone exchange buildings.
- [14] Public utility transmission lines and unit substations.
- [15] Tourist homes and boardinghouses.
- [16] Watersheds and water supply facilities not part of the Town's water system.
- [17] Volunteer ambulance corps facilities under standards contained in § 300-74.
- [18] Conversion of an existing single-family dwelling unit to include an accessory dwelling unit, in accordance with the standards and provisions of § 300-37.
- [19] Cemeteries, in accordance with the provisions of § 300-78, granted by the Planning Board in R1-40 and R1-80 Zones only.

(c) Permitted accessory uses (uses listed under this heading are subject to the provisions of § 300-182) in the above-mentioned districts shall be as follows:

- [1] Customary home occupations, as defined in this chapter.
- [2] Keeping of not more than two nontransient roomers or boarders in any dwelling.
- [3] Private garden houses, tool houses, greenhouses, recreation space or similar private accessory use not used for a commercial purpose.

- [4] Private swimming pools, provided that such pool or the lot on which it is located is completely enclosed with a protective fence at least four feet in height.
- [5] A building used as a private garage for vehicle or equipment storage with no more than four overhead doors.
- [6] Parish houses and church school rooms.
- [7] (Reserved)
- [8] (Reserved)
- [9] Off-street parking areas.
- [10] Individual or collective private water supplies and sewage facilities.
- [11] Storage of auto trailers, mobile house trailers or boats, provided that such trailer or boat is enclosed by a building or otherwise concealed from adjoining property.
- [12] A telephone answering service when conducted in a dwelling by the inhabitant thereof, employing not more than two persons and serving only the area within the Town.
- [13] Temporary buildings or structures in accordance with the provisions of § 300-19.
- [14] Home offices, solely for the private use of the inhabitants of the dwelling and not for the conduct of business in which customers, clients or others use or visit the office.
- [15] Family day-care homes as defined herein.

(d) Accessory uses permitted by special permit (in accordance with provisions of Article VII) in the above-mentioned districts shall be as follows:

- [1] Gatehouses or accessory living quarters for guests or domestic employees to an estate residence.
- [2] Retail sales space in excess of 500 square feet which is maintained in connection with a farm, plant or tree nursery or greenhouse, as defined in this chapter.
- [3] Private stables and dog kennels.

[4] Professional offices by the inhabitants residing therein in accordance with the standards set forth in § 300-76.

[5] Storage of commercial vehicles pursuant to § 300-62A.

(2) R-2 Two-Family Residential District.

(a) Permitted main uses in the R-2 Residence District shall be as follows:

[1] The same uses as in Subsection C(1)(a) above.

[2] Two-family dwellings.

(b) Main uses permitted by special permit (in accordance with provisions of Article VII) shall be as follows:

[1] The same uses as in Subsection C(1)(b) above.

[2] Funeral homes in accordance with the provisions of § 300-72.

(c) Permitted accessory uses (uses listed under this heading are subject to the provisions of § 300-182) in the R-2 Residence District shall be as follows:

[1] The same uses as in Subsection C(1)(c) above.

(3) R-3 and R-2A Multifamily Residential Districts.

(a) Permitted main uses for the above-mentioned districts shall be as follows:

[1] The same uses as in Subsection C(2)(a) [2] above

[2] Multifamily dwelling, provided that:

[a] There is 90 feet or more between main walls of the building.

[b] There is 50 feet or more between end walls with windows.

[c] There is 30 feet or more between walls in any other case.

[d] No single building is over 180 feet in length.

[e] No parking area is developed or maintained within five feet of any lot line.

[f] At least 400 square feet of usable open space is provided on the site for each dwelling unit for play area and other outdoor living uses. The developer shall provide a suitably improved playground/play area. Each such playground/play area shall have a minimum area of 1,200 square feet and a maximum distance of 1,000 feet from the units to be served.

[g] In addition to the above, the developer shall also set aside 10% of the site for the provision of park and/or recreational facilities. If the provision of such facilities is impractical

because of the particular layout of the development or for other reasons, a recreation fee of \$4,000 per unit shall be submitted prior to approval of the application. [Amended 11-21-2006 by L.L. No. 15-2006]

(b) Main uses permitted by special permit (in accordance with provisions of Article VII) for the above-mentioned districts shall be as follows:

- [1] Bus passenger shelters.
- [2] Places of religious worship, convents and rectories.
- [3] Telephone exchange buildings.
- [4] Public utility transmission lines and unit substations.

(c) Permitted accessory uses (uses listed under this heading are subject to the provisions of § 300-182) for the above-mentioned districts shall be as follows:

- [1] The same uses as in Subsection C(2)(c) above.

(4) RSP-1 Age Oriented Community District.

(a) Permitted main uses shall be as follows:

- [1] Age-oriented communities as defined and described herein and as provided for in §§ 300-123 through 300-151 and in accordance with the provisions and procedure in Article VIII.

(b) Main uses permitted by special permit shall be in accordance with provisions of Article VII.

(c) Permitted accessory uses (uses listed under this heading are subject to the provisions of § 300-182). Accessory uses shall be as provided in § 300-124D.

(5) RSP-2 Senior Citizens District District.

(a) Permitted main uses shall be as follows:

- [1] Senior citizen development as defined and described herein and provided for in § 300-152 and following and in accordance with the provisions and procedures in Article VIII.

(b) Main uses permitted by special permit shall be in accordance with the provisions of Article VII.

(c) Permitted accessory uses (uses listed under this heading are subject to the provisions of § 300-182) shall be as follows:

- [1] Accessory uses listed in § 300-152 and following and as shown on approved site plan.
- [2] One dwelling unit for staff superintendent, regardless of age.

(6) RSP-3 Age-Oriented Geriatric Community District.

(a) Permitted main uses shall be as follows:

- [1] A geriatric center as defined and provided for in § 300-159 and following, and in accordance with the procedures in Article VIII.

(b) Main uses permitted by special permit shall be in accordance with provisions of Article VII.

(c) Permitted accessory uses (uses listed under this heading are subject to the provisions of § 300-182) shall be as follows:

- [1] Accessory uses listed in § 300-159 and following and as shown on the approved site plan.

(7) CRC Commercial Regional Center District.

(a) Permitted main uses shall be as follows:

- [1] Regional shopping center and accessory use as provided in §300-86. Development shall be approved by Town Board pursuant to Article VIII.

(b) Permitted accessory uses shall be as follows:

- [1] Accessory dwelling unit for the owner, operator or janitor as living quarters, provided that such unit is located in the main building.
- [2] Signs as approved on the site plan.
- [3] Radio, television and other electronic transmission stations or towers, including wireless telecommunications facilities, subject to a special permit in accordance with the provisions of Article VII.

(c) Main uses permitted by special permit shall be as follows:



- [1] Day-care facilities and nursery schools in accordance with the standards set forth in § 300-53.

(8) C-1 Commercial Shopping Center District

(a) Permitted main uses shall be as follows:

- [1] Stores or shops for the conduct of retail business, bank, post office, restaurant and other places serving food and beverages, professional and business offices, and personal service establishments including grooming of house pets , except that no use shall be permitted where any part of the service is conducted outside the premises unless a special use permit has been issued by the Planning Board after due notice and public hearing.
- [2] Governmental building and use.
- [3] Off-street parking area (not including any area for outdoor display or storage of any motor vehicle).
- [4] Indoor recreation facilities as part of a larger commercial development and which does not exceed 35% of the total usable floor area.
- [5] Parks, parkways.
- [6] Nurseries and garden centers.
- [7] Movie theatres.
- [8] Health clubs.

(b) Main uses permitted by special permit shall be as follows:

- [1] Hospitals.
- [2] Amusement centers as provided in § 300-77.
- [3] Day-care facilities and nursery schools in accordance with the standards set forth in § 300-53.
- [4] Places of religious worship, convents and rectories.
- [5] Social, cultural and recreational uses serving a community need or convenience and not including any activity carried on primarily for profit.
- [6] Religious, charitable and eleemosynary institutions, as defined herein.
- [7] Telephone exchange buildings.

(c) Permitted accessory uses shall be as follows:

- [1] Off-street loading areas.
- [2] Signs as approved on the site plan.

- [3] Radio, television and other electronic transmission stations or towers, including wireless telecommunications facilities, subject to a special permit in accordance with the provisions of Article VII.
- [4] One accessory dwelling unit for each establishment for owner, operator or janitor living quarters, provided that such unit is located in a main building, and that each site is limited to one such dwelling.
- [5] Outdoor vending machines not exceeding 150 cubic feet in size, provided that there shall be not more than two machines per lot on site and that each machine shall abut the front, side or rear walls of an existing structure.

(9) C-2 Commercial Hamlet Center District.

(a) Permitted main uses shall be as follows:

- [1] The same main uses as specified by Subsections C(8)(a)[1], [2], [3], [5], and [8] for the C-1 District.
- [2] The same main uses as specified by Subsections C(1)(a) [5], in the R1 District.
- [3] Undertaking establishments.
- [4] Single auditorium theaters and playhouses

(b) Main uses permitted by special permit shall be as follows:

- [1] The same special uses as for the R1 District except as specified by Subsections C(1)(b)[2], [15], [16] and [17].
- [2] Amusement centers as provided in § 300-77.

(c) Permitted accessory uses shall be as follows:

- [1] Signs pertaining to a permitted use conducted on the lot where such signs are displayed, provided that such signs meet the requirements of Article XX.
- [2] Any accessory building or use incident to a permitted use, except as elsewhere limited by this chapter, and temporary buildings in accordance with § 300-19.
- [3] Off-street loading areas.
- [4] Outdoor vending machines not exceeding 150 cubic feet in size, provided that there shall be not more than two machines per lot on site and that each machine shall abut the front, side or rear walls of an existing structure.
- [5] Radio, television and other electronic transmission stations or towers, including wireless telecommunications facilities, subject to a special permit in accordance with the provisions of Article VII.

- [6] One accessory dwelling unit for each establishment for owner, operator or janitor living quarters, provided that such unit is located in a main building, and that each site is limited to one such dwelling.

(10) C-2R Commercial Hamlet Center District.

(a) Permitted main uses shall be as follows:

- [1] The same main uses as specified for the C-2 District.
- [2] Residential apartments provided that each apartment is limited to two bedrooms per unit, and no more than 1,000 sf per unit and is located above a first-floor use.

(b) Main uses permitted by special permit shall be as follows:

- [1] The same main uses permitted by special permit as specified for the C-2 District.

(c) Permitted accessory uses shall be as follows:

- [1] The same accessory uses as specified for the C-2 District.

(11) CR Commercial Recreation Districts.

(a) Permitted main uses shall be as follows:

- [1] Archery, miniature golf, trampoline, ball fields or other similar outdoor recreation facilities and picnic facilities.
- [2] Private or commercial beaches, docks or bathhouses.
- [3] Social, cultural or recreational nonprofit uses in accordance with the provisions of § 300-54.
- [4] Eating places, restaurants and other places serving food and beverages, including drive-in car-service stands and any outdoor service.
- [5] Dwelling units, provided that such units are developed in conjunction with a permitted use and located in the same building and conform to the minimum dwelling unit size required by this chapter for R-3 Districts.
- [6] Golf clubs and country clubs in accordance with the provisions of § 300-66.
- [7] Par-three golf courses fronting on U.S. Highway Nos. 202 and 6, in accordance with the provisions of § 300-70.
- [8] Golf driving ranges and miniature golf courses.
- [9] Governmental building and use.

- [10] Health clubs
- [11] Indoor recreation facilities.

(b) Main uses permitted by special permit shall be as follows:

- [1] Bus passenger shelters and public telephone booths.
- [2] Retail sales, repair, rental and service of recreational, garden and home improvement items under the provisions of and in accordance with the standards set forth in § 300-73.
- [3] Day-care facilities and nursery schools in accordance with the standards set forth in § 300-53.
- [4] Drive-in car-service stands and any drive-thru outdoor service.
- [5] Amusement centers as provided in § 300-77.
- [6] Places of religious worship, convents and rectories.
- [7] Social, cultural or recreational nonprofit uses in accordance with the provisions of § 300-54.

(c) Permitted accessory uses shall be as follows:

- [1] Private garages for not more than two passenger vehicles and two commercial vehicles.
- [2] Signs pertaining to a permitted use conducted on the lot where such signs are displayed, provided that such signs meet the requirements of Article XX.
- [3] Any other accessory building or use customarily incident to a permitted use, except as otherwise limited by the provisions of this chapter.
- [4] Off-street parking and loading areas.
- [5] Radio, television and other electronic transmission stations or towers, including wireless telecommunications facilities, subject to a special permit in accordance with the provisions of Article VII.
- [6] One accessory dwelling unit for each establishment for owner, operator or janitor living quarters, provided that such unit is located in a main building, and that each site is limited to one such dwelling.
- [7] Outdoor vending machines not exceeding 150 cubic feet in size, provided that there shall be not more than two machines per lot on site and that each machine shall abut the front, side or rear walls of an existing structure.

(12) C-3 Commercial Limited District.

(a) Permitted main uses shall be as follows:

- [1] The same main uses as for the C-2 District.

- [2] The same special uses as for the C-2 District, except that no special permit need be obtained for any such use.
- [3] Wholesale and storage uses conducted entirely within a building, except that self storage buildings are not permitted.
- [4] Preparation or manufacture of goods or products for retail sale on the premises if not more than 10 persons are employed in such preparation at any one time.
- [5] Nurseries and Garden Centers

(b) Main uses permitted by special permit shall be as follows:

- [1] Drive-in theaters.
- [2] Motel or automobile courts or hotels; special permit to be granted by the Planning Board.
- [3] Transportation terminal and product transfer facilities.
- [4] Exterior storage yards.
- [5] Gasoline filling stations in accordance with the standards set forth in § 300-46.
- [6] Amusement centers as provided in § 300-77.
- [7] Automated car wash.
- [8] Day-care facilities and nursery schools in accordance with the standards set forth in § 300-53.

(c) Permitted accessory uses shall be as follows:

- [1] The same accessory uses as for the C-2 District.

(13) C-4 Commercial General District.

(a) Permitted main uses shall be as follows:

- [1] The same main uses as for C-3 District.
- [2] Bottling works, dry-cleaning and dyeing establishments, frozen food lockers, ice-cream plants, laundries, motion-picture or other theaters, except a drive-in theaters, and veterinary hospitals.
- [3] Any business similar to those above, but not including any use which would be a nuisance to surrounding property because of the emission of smoke, odor or other atmospheric pollutant or excessive noise, vibration or light.
- [4] Public garages, provided that no outdoor storage (except vehicles) shall be permitted.
- [5] Cabinetmaking, woodworking or carpenter shops; heating, plumbing, ventilating or air-conditioning supply shops; printing, bookbinding or electrical shop; tinsmith or sheet metal shop; or similar commercial service not primarily industrial or manufacturing in nature, but not including any lumberyards or builders' supply yards.

(b) Main uses permitted by special permit shall be as follows:

- [1] The same special uses as specified by Subsections C(12)(b) [3], [4], [5], [7] and [8] in the C-3 District.
- [2] Builders' supply yards, lumberyards and contractors' yards.
- [3] Hospitals.
- [4] Amusement centers as provided in § 300-77.
- [5] Automobile sales lot as provided in §300-71.
- [6] Mobile house trailers.
- [7] Aboveground fuel storage.

(c) Permitted accessory uses shall be as follows:

- [1] The same accessory uses as for the C-2 District.
- [2] (Reserved)

(14) OB Research Laboratory District.

(a) Permitted main uses shall be as follow:

- [1] Research laboratories and offices as provided in Article XI; development shall be approved by Planning Board pursuant to § 300-83.
- [2] Living quarters within each main building for custodian and security personnel.

(b) Main uses permitted by special permit shall be as follows:

- [1] The same special uses as specified by Subsection C(1)(b)[1], [7], [9], [10], [12], [13], and [14] in the R1 District.
- [2] Day-care facilities and nursery schools in accordance with the standards set forth in § 300-53.
- [3] Colleges and seminaries.

(c) Permitted accessory uses shall be as follows:

- [1] Research laboratory and office accessory uses as provided in Article XI.
- [2] Lodging house accessory to a laboratory-office use.
- [3] Radio, television and other electronic transmission stations or towers, including wireless telecommunications facilities, subject to a special permit in accordance with the provisions of Article VII.

(15) O Office District.

(a) Permitted main uses shall be as follows:

- [1] Professional and business offices, post offices, and banks.
- [2] Social, cultural and recreational uses serving a community need or convenience and not including any activity carried on primarily for profit provided it conforms to the standards set forth in 300-54.
- [3] Health clubs, dance instruction academies, aerobic instruction, martial arts instruction or other similar uses, provided that assembly rooms for performances are not allowed.
- [4] Governmental building and use.

(b) Main uses permitted by special permit shall be as follows:

- [1] The same special uses as specified by Subsection C(1)(b)[1], [4], [5], [8], [9], [11], [12], [13], [14], and [16] in the R1 District.
- [2] Day-care facilities and nursery schools in accordance with the standards set forth in § 300-53.

(c) Permitted accessory uses shall be as follows:

- [1] Signs pertaining to a permitted use conducted on the lot where such signs are displayed, provided that such signs meet the requirements of Article XX.
- [2] Any accessory building or use incident to a permitted use, except as elsewhere limited by this chapter, and temporary buildings in accordance with § 300-19.
- [3] Off-street loading areas.
- [4] Radio, television and other electronic transmission stations or towers, including wireless telecommunications facilities, subject to a special permit in accordance with the provisions of Article VII.
- [5] One accessory dwelling unit for each establishment for owner, operator or janitor living quarters, provided that such unit is located in a main building, and that each site is limited to one such dwelling.

(16) I-1 Light-Industrial Park District.

(a) Permitted main uses shall be as follows:

- [1] Planned light industry use as provided in § 300-94.
- [2] The same main uses as specified by Subsection C(11)(a)[1] in the CR District.

(b) Main uses permitted by special permit shall be as follows:

- [1] The same special uses as specified by Subsection C(1)(b)[12], [14], and [16] in the R1 District.
- [2] Self-storage center, to be approved by the Planning Board pursuant to § 300-79.
- [3] Day-care facilities and nursery schools in accordance with the standards set forth in § 300-53.
- [4] Ambulance Corps facilities pursuant to § 300-74, except that private commercial ambulance facilities are allowed.

(c) Permitted accessory uses shall be as follows:

- [1] Any accessory building or use customarily incident to a permitted use, except as otherwise limited by the provisions of this chapter.
- [2] Radio, television and other electronic transmission stations or towers, including wireless telecommunications facilities, subject to a special permit in accordance with the provisions of Article VII.

(17) I-2 Light-Industrial District.

(a) Permitted main uses shall be as follows:

- [1] The same special uses as specified by C(1)(b)[11] in the R1 District, except that no special permit need be obtained for any such use.
- [2] Transportation terminals and product transfer facilities.
- [3] Light-industrial uses.
  - [a] Any light-industrial or manufacturing use listed under the provisions of Subsection C(17) (a)[3][b] below, including fabrication, processing, converting, altering, assembly or other handling of products using electrical power or an internal-combustion engine, which does not normally cause or result in any dissemination of dust, smoke, observable gas or fumes, odor, noise, vibration or excessive light beyond the immediate site of the building in which the use is conducted, nor menace by reason of fire, explosion or other physical hazard, nor harmful discharge of waste material, nor unusual traffic hazard or congestion due to the type and amount of vehicles required. Also, any recreational use listed under the provisions of Subsection C(17) (a)[3][b] below.
  - [b] The Town Board shall establish and from time to time revise a list of uses conforming to the standards specified in Subsection C(17)(a)[3][a] above, including any conditions to which such uses should be subject in order to assure continued conformity to the purposes of this district.



- [4] Public garage, provided that no outdoor storage (except vehicles) shall be permitted.
  - [5] List of uses established under Subsection C(17)(a)[3][b] above:
    - [a] Health and fitness clubs, provided that:
      - [i] The main entrance to the facility and substantial parking is at the rear of the facility.
      - [ii] No outdoor activities, other than recreational, shall be permitted.
    - [b] Offices buildings for general business or professional use
- (b) Main uses permitted by special permit shall be as follows:
- [1] The same special uses as specified by Subsections C(1)(b)[12] and [14] in the R1 District, by Subsection C(12)(b)[3] and [4] in the C-3 District, by Subsection C(13)(b)[2] and [7] in the C-4 District, by Subsection C(16)(b)[4] in the I-1 District
  - [2] Day-care facilities and nursery schools in accordance with the standards set forth in § 300-53.
  - [3] Self-storage center to be approved by the Planning Board pursuant to § 300-79.
- (c) Permitted accessory uses shall be as follows:
- [1] Signs as permitted by Article XX. [Amended 5-18-1999 by L.L. No. 7-1999]
  - [2] Temporary building or structure in accordance with the provisions of § 300-19.
  - [3] Radio, television and other electronic transmission stations or towers, including wireless telecommunications facilities, subject to a special permit in accordance with the provisions of Article VII.

(18) IN Planned Interchange District.

- (a) Permitted main uses shall be as follows:
- [1] Planned interchange district uses as provided in Article XV; development shall be approved by the Town Board pursuant to Article VIII.
- (b) Main uses permitted by special permit shall be as follows:
- [1] Day-care facilities and nursery schools in accordance with the standards set forth in § 300-53.
- (c) Permitted accessory uses shall be as follows:

- [1] Any accessory building or use customarily incident to a permitted use, provided that such use is shown on an approved plan of development.
- [2] Signs as shown on an approved plan of development.
- [3] Temporary building or structure in accordance with the provisions of § 300-19.
- [4] Radio, television and other electronic transmission stations or towers, including wireless telecommunications facilities, subject to a special permit in accordance with the provisions of Article VII.

(19) CC Country Commercial. [Added 5-2-2006 by L.L. No. 9-2006]

(a) Permitted main uses shall be as follows, as provided in Article XXIX:

- [1] Stores or shops for the conduct of retail and service retail businesses, excluding dry cleaners, Laundromats and automotive related uses.
- [2] Stores or shops for the sale of crafts, such as jewelry, glass, or ceramics, or antiques with associated workshops, where workshops shall be limited to a maximum of 2,000 square feet and be accessory to the main retail use.
- [3] Apartments above first-floor commercial uses.
- [4] Banks, excluding drive-up windows.
- [5] Restaurants and other places serving food and beverages, excluding drive-in or drive-through facilities.
- [6] Offices, professional offices, medical offices and government offices.

(b) Permitted accessory uses shall be as follows, as provided in Article XXIX:

- [1] Off-street parking and loading areas.
- [2] Garage and workshop buildings.

SECTION IV - Chapter 300 of the Code of the Town of Yorktown is hereby amended by deleting Section 300-155 (A) in its entirety and replacing it with the following:

A. Motel and hotel use. Motels and hotels, as defined in this chapter, under the following conditions and standards:

- (1) Use. If a site is to be used for a motel or hotel, use of the site and any buildings or structures on the site shall be limited to the usual motel and hotel activities, as defined in this chapter and accessory uses incidental to the operation of a motel or hotel and uses of the same general character, such as the following, provided that all accessory uses shall be planned as an integral part of the motel or hotel, located on the same site with the motel or hotel and be of the same architectural treatment:
  - (a) A dwelling unit with or without kitchen facilities for the use of the manager or caretaker and his family.
  - (b) Restaurants, coffee shops and/or cafeterias providing food and drink and serving either guests exclusively and/or the general public.

- (c) Amusement and sport facilities for the exclusive use of guests, including swimming pools, tennis or other game courts, children's playgrounds and game or recreation rooms.
  - (d) Automobile parking garages or carports for the exclusive use of guests and off-street parking spaces.
  - (e) Office and lobby, the provisions of which shall be mandatory for each motel and hotel.
  - (f) Dining room and/or meeting room facilities available for either the guests or the general public under contractual agreement.
- (2) Occupancy. Occupancy for any guest shall be limited to not more than 30 days in any ninety-day period. In no case are motel or hotel units to be used as apartments for nontransient tenants.
- (3) Site density. There shall be not more than one motel/hotel dormitory unit for each 2,500 square feet of site area, and in no case shall there be fewer than 100 units nor more than 200 units on each site. The total interior floor area of each motel or hotel dormitory unit, inclusive of bathrooms and closet space, shall be not less than 300 square feet.
- (4) Parking requirements. Parking spaces for motel or hotel use shall be provided at the rate of 1.1 space for each motel/hotel dormitory unit. For a restaurant permitting nonresident guest use, an additional space per 50 square feet of total floor area plus 20 spaces per restaurant shall be provided. For a place of assembly, an additional space for each four seats of capacity, plus 10 parking spaces per place of assembly shall be provided.
- (5) Accessory uses to motel or hotel use. The following additional or similar uses may be allowed, provided that such uses are maintained as part of a planned motel or hotel complex: drug store, gift shop, refreshment stand, florist shop or newsstand, and also provided that all are within an enclosed building physically a part of the main structure.

B. Laboratory-office and planned light industry.

- (1) Laboratory office uses developed in accordance with the provisions of § 300-105, provided that the overall coverage on any site does not exceed 15% and that parking is provided as required by § 300-108B.
- (2) Planned light industry uses listed in § 300-94, provided that the overall density of development on the site does not exceed 15% and that parking is provided as required by § 300-99.

C. Regional center uses.

- (1) Convention centers, including meeting rooms, conference rooms and similar-type uses, provided that parking is provided on the basis of the maximum number of employees and users at any one time. One space per four seats capacity, plus 10%, plus one space per two employees shall be provided.
- (2) Health center (regional hospital) in accordance with the standard outlined in § 300-49, provided that the coverage of the total site shall not exceed 15%.
- (3) Educational center, colleges and universities in accordance with § 300-55D of this chapter, provided that coverage does not exceed 15% of the total site.

D. Greenbelt uses.

- (1) Nurseries and greenhouses in accordance with the standards of § 300-45.
- (2) Public open space and recreation facilities, including buffering areas.
- (3) Private open space and recreational facilities, provided that they will not impinge on adjacent residential areas.
- (4) Single-family residential uses, provided that the standards of the R1-40 District are adhered to, and also provided that such uses are required to buffer existing residential uses from the proposed development.

SECTION V - Chapter 300 of the Code of the Town of Yorktown is hereby amended by deleting the "OB-2" column of the Schedule of Regulations table entitled "Business and Industry Zone Standards" page 300:A3, and replacing it with a column entitled "O Offices" and adding thereto standards replicated from the standards found in the column entitled "C-2 Business" of the same table.

SECTION VI - If any word, clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be limited in its application to the word, clause, sentence, paragraph, subdivision or part hereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION VII - This local law shall take effect immediately upon filing in the office of the Secretary of the State of New York in accordance with the provisions of the Municipal Home Rule Law.