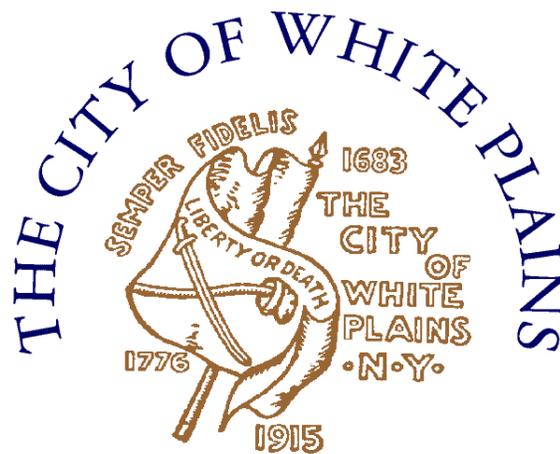


# ZONING ORDINANCE

of



ADOPTED JUNE 1, 1981

WITH AMENDMENTS THROUGH JANUARY 31, 2016

**MAYOR**

Thomas M. Roach

**COMMON COUNCIL**

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Hon. John M. Martin

Hon. Beth N. Smayda



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## SECTION 1 – PURPOSES

- 1.1. To guide the future growth and development of the City in accordance with a well-considered plan, which plan is embodied in this Ordinance.
- 1.2. To regulate and limit the "height," bulk and location of "buildings" hereafter erected, to regulate and determine the area of "yards," "courts" and other open space, and to regulate the density of population in any given area, and for said purposes to divide the City into districts. These regulations are uniform for each class of "buildings" throughout any district, but the regulations in each district differ from those in other districts. These regulations are designed to secure safety from fire, flood and other dangers and to promote the public health and welfare, including, so far as conditions permit, provision for adequate light, air, convenience of access, and the accommodation of solar energy systems and equipment and access to sunlight necessary therefor, and are made with reasonable regard to the character of "buildings" erected in each district, the value of land and the "use" to which it may be put, to the end that these regulations are designed to promote public health, safety and welfare and the most desirable "use" for which the land of each district may be adapted and are intended to conserve the value of "buildings" and enhance the value of land throughout the City.
- 1.3. To regulate and restrict the location of trades and industries and the location of "buildings" designed for specified "uses," and for said purposes to divide the City into districts and to prescribe for each such district the trades and industries that shall be excluded or subjected to special regulation and the "uses" for which "buildings" may not be erected or "altered." These regulations are designed to promote the public health, safety and general welfare and are made with reasonable consideration, among other things, to the character of the district, its peculiar suitability for particular "uses," the conservation of property values and the direction of building development, in accord with a well-considered plan.
- 1.4. To carry out the "Comprehensive Plan" accepted by the Common Council, which "Plan" constitutes the basic long-range guide to the City's overall land use and development policies, and which "Plan," as it exists or may in future be amended, is to be given conscientious consideration whenever amendments to this Ordinance are proposed.
- 1.5. To protect the character and the social and economic stability, and to encourage the orderly and beneficial development of the City and all of its neighborhoods.
- 1.6. To bring about the gradual conformity of the "use" of land with the well-considered plan as set forth in this Ordinance, and to minimize conflicts among the "uses" of land.
- 1.7. To promote the most beneficial relation between the "use" of land and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the "streets" and the provision of safe and convenient vehicular and pedestrian traffic movements appropriate to the various "uses" of land throughout the City.
- 1.8. To provide a guide for public policy and action in the efficient provision of public facilities and services, and for private enterprise in building development, investment, and other economic activity relating to "uses" of land throughout the City.

- 1.9. To limit development to that which will not exceed the capacity of existing and programmed public facilities and services.
- 1.10. To avoid hazardous conditions and excessive damage resulting from storm water runoff and flooding, and to encourage the appropriate use and sound management of natural resources throughout the City.
- 1.11. To preserve the natural beauty of the City; to protect the City against unsightly, obtrusive, and obnoxious land "uses" and operations; to enhance the aesthetic aspect of the natural and manmade elements of the City; and to ensure appropriate development with regard to those elements.

## SECTION 2 – DEFINITIONS

### 2.1 Introduction

For the purpose of this Ordinance, certain words and terms used herein are defined in this Section. Defined terms and multiple defined terms are printed within quotation marks throughout this Ordinance.

### 2.2 General Construction of Language

The following rules of construction apply to the language of this Ordinance:

- 2.2.1 The specific shall control the general.
- 2.2.2 All words used in the present tense include the future tense.
- 2.2.3 All words in the singular number include the plural number, and vice versa, unless the natural construction of the wording indicates otherwise.
- 2.2.4 Words used in the masculine gender include the feminine and neuter, and vice versa, unless the natural construction of the wording indicates otherwise.
- 2.2.5 The word shall is mandatory; the word may is permissive.
- 2.2.6 The word includes shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- 2.2.7 Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction and, or, or either...or, the conjunction shall be interpreted as follows:
  - 2.2.7.1 And indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2.2.7.2 Or indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - 2.2.7.3 Either...or indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 2.2.8 A "building" or "structure" includes any part thereof.
- 2.2.9 The words "lot," plot and parcel of land shall one include the other.
- 2.2.10 The word premises shall include land and "structures" thereon.
- 2.2.11 The words occupied or used shall be considered to be followed by the words or intended, arranged or designed to be occupied or used, unless the natural construction of the wording indicates otherwise.
- 2.2.12 References made to officials and official bodies shall mean officials and official bodies of the City of White Plains, unless the natural construction of the wording indicates otherwise.

2.2.13 Unless otherwise specified, all distances shall be measured horizontally.

2.2.14 In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

## **2.3 Terms Not Defined**

Where terms are not defined, they shall have their ordinarily accepted meanings or such as the context may apply.

## **2.4 Definitions**

### "Accessory Building"

A "building" subordinate to the "main building" on the "lot" and used for purposes customarily incidental to that of the "main building." Where an "accessory building" is attached to the "main building" in a substantial manner, as by a wall or roof, such "accessory building" shall be considered part of the "main building."

### "Accessory Building, Minor"

See "Minor Accessory Building."

### "Accessory Electronic Games"

The provision of three or less "electronic games" as an "accessory use."

### "Accessory Use"

A "use" which is incidental and subordinate to the principal "use" on a "lot," and located on the same "lot" therewith, except that where specifically so provided, accessory off-"street" parking need not be located on the same "lot." An "accessory use" may not be accessory to another "accessory use."

### "Alter"

To change, enlarge or rearrange the structural parts or the exit facilities of a "structure," or to move a "building" from one location or position to another.

### "Alteration"

See "Alter."

### "Area Affected"

The area of land which is the subject of the proposed action, and all land within 200 feet of the perimeter of said area.

### "Area Variance"

See "Variance, Area."

### "Assisted Living Facility"

A residential facility, such as a senior living community with care provided by a licensed home care services agency, which combines "dwelling units," communal dining, routine protective oversight, personalized assistance and supportive services, and health care designed to meet the individual needs of "persons" who need help with the activities of daily living, including, but not limited to, eating, bathing, dressing, getting to and using the bathroom, getting in and out of bed or chair, mobility, and, in appropriately designed facilities, accommodations for Alzheimer's patients, but do not need the skilled medical care provided by a nursing home, convalescent care facility or "domiciliary care facility."

### "Attached Dwelling Units"

See "Dwelling Unit, Attached."

### "Auction House"

A place in which goods are sold at auction on a periodic basis.

### "Bar"

A business enterprise primarily engaged in the retail sale of alcoholic beverages for consumption on the premises. See also "Cabaret."

### "Basement"

A portion of a "building" partly underground, but having less than half its clear height below the average elevation of the adjoining ground. See also "Cellar" and Illustration I.

### "Building"

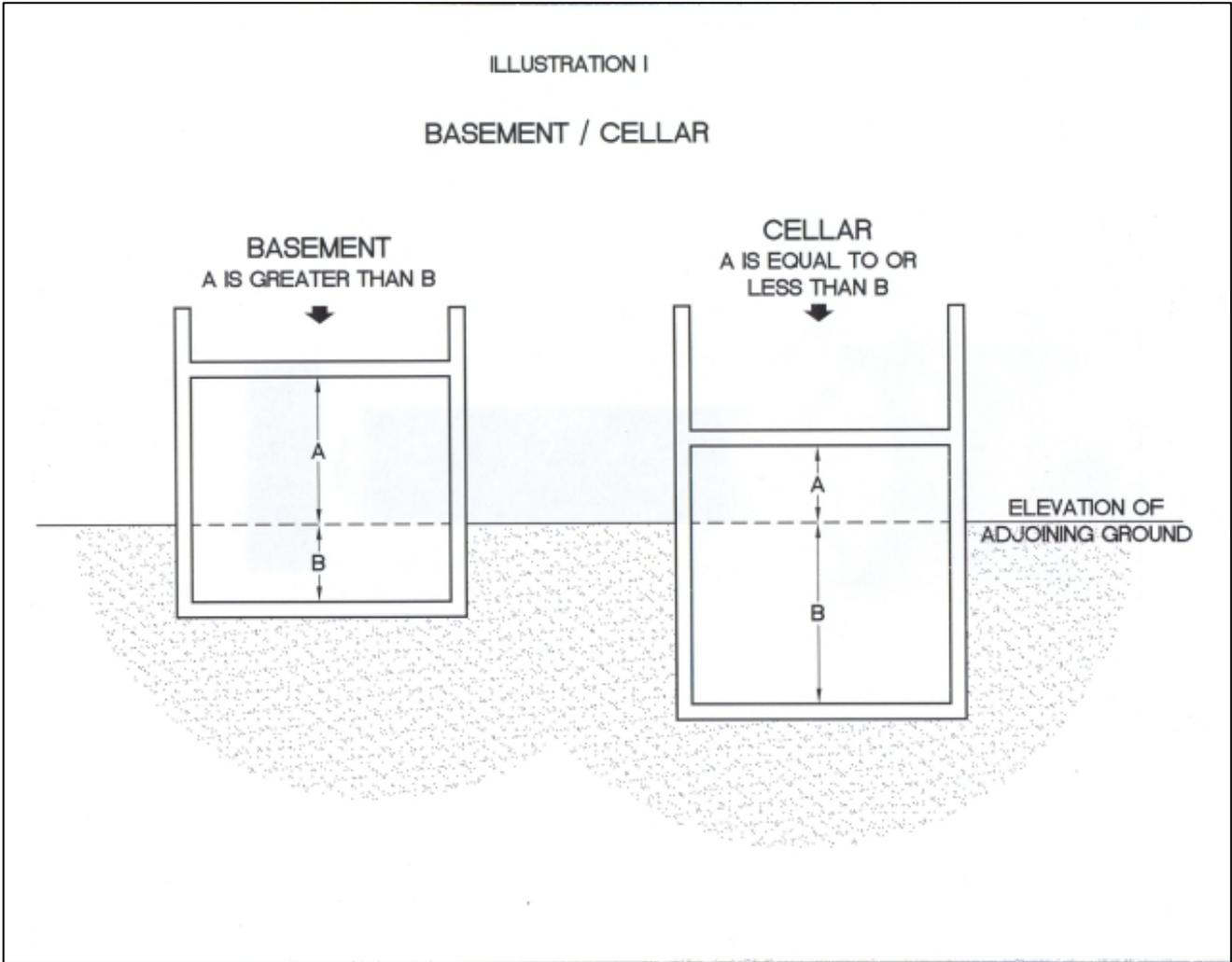
Any "structure" having a roof, self-supporting or supported by column, air pressure or walls, which is permanently affixed to the ground, and intended for the shelter, housing or enclosure of "persons," animals or chattel.

### "Building Area"

The maximum horizontal cross-section of a "building," including porches, balconies and raised platforms, but excluding atriums and cornices, roof overhangs, gutters or chimneys projecting not more than three feet, and steps and "terraces" not more than three feet above the average adjacent ground elevation.

### "Building Coverage"

That percent of the land area covered by the combined "building area" of all "buildings," excluding any "building" or "structure" located completely below ground.



"Building Plan"

A map showing the design for the layout, arrangement and "use" of "buildings" and land, including "accessory uses," facilities and services within a "conservation development," which plan is subject to approval pursuant to Section 37 of the General City Law and in accordance with the procedures and requirements set forth in Section 5.7 of this Ordinance.

"Cabaret"

Any room, space or area used in connection with a business enterprise, in which musical entertainment, singing, dancing or other form of amusement by performers and/or by patrons ("Entertainment") is allowed. A "cabaret" is only permitted in connection with a "restaurant." However, the following shall not constitute a "cabaret":

- A "restaurant" or "bar" located in a "hotel" having more than 50 sleeping rooms; or
- A "restaurant" or "café" that provides incidental Entertainment, without dancing, either by:

- electrical devices such as, but not limited to stereos, radios or media players, but not including music provided by a disc jockey;
- not more than four (4) persons playing non-amplified music; or
- A person with or without a portable low-wattage amplifier associated with a single instrument or microphone.

“Cabaret, Accessory”

A “cabaret” in which the Entertainment and/or dancing do not, in the aggregate, occupy more than 40% of the Net Floor Area of the principal business of a “restaurant.”

“Cabaret, Primary

A “cabaret” in which the Entertainment and/or dancing, in the aggregate, occupy more than 40% of the Net Floor Area of the principal business of a “restaurant.”

"Café"

A small and informal establishment serving various refreshments, such as coffee, tea, soft drinks, snacks, and the like, for consumption on the premises.

"Cafeteria"

A business enterprise engaged in preparing and serving a full line of food and beverages primarily through the use of a service line where the customer serves himself or is served from displayed selections, and where table or booth seating facilities are provided; some limited waiter or waitress service may be provided. See also "Restaurant" and "Fast Food Eating Establishment."

"Camper Trailer"

A "travel trailer" with a collapsible top which has a body width not exceeding eight feet, a body length not exceeding ten feet and a height measured from the ground, when collapsed, not exceeding four feet. See Illustration VIII.

"Cellar"

A portion of a "building" partly or wholly underground, having half or more than half of its clear height below the average elevation of the adjoining ground. See also "Basement" and Illustration I.

"College"

See "University."

"Community Residence"

A residential facility for the mentally disabled operated pursuant to the New York State Mental Hygiene Law and regulations promulgated thereunder, including an alcoholism facility, a hostel, a halfway house and any other such facility as defined in such regulations, and any similar facilities operated under the supervision of federal departments and agencies.

"Comprehensive Plan"

The plan accepted by the Common Council pursuant to Section 28-a of the General City Law.

"Conservation Development"

A design of "attached" or "detached dwelling units," together with their related open spaces and "accessory uses," which is planned on a unified basis and designed to achieve the purposes as set forth in Section 5.7.1, and which is approved by the Planning Board in accordance with the procedures, standards and requirements of this Ordinance and Section 37 of the General City Law.

"Consumer Financial Services Establishment"

A business establishment providing for the sale at retail to individual purchasers or clients of financial services instruments such as stocks, shares, bonds, certificates of participation, etc. See Section 4.4.26.

"Corner Lot"

See "Lot, Corner" and Illustration V.

"Court"

An open, uncovered and unoccupied space, bounded on two or more sides by the walls of a "building." An inner "court" is a "court" entirely within the exterior walls of a "building." All other "courts" are outer "courts."

"Coverage"

See "Building Coverage" and "Gross Land Coverage."

"Customary Home Occupation"

An occupation of a service character accessory to and customarily incidental to the "use" of a "dwelling unit" by a resident thereof, the conduct of which is clearly secondary to the "use" of the "dwelling unit" for living purposes, does not change the character thereof or have any exterior evidence of such secondary "use," and does not involve the keeping of a stock of merchandise for sale in connection therewith. Tutoring and instruction, including art, music, voice, violin or other musical instrument, limited to a single pupil at a time shall be deemed a "customary home occupation." Group instruction in dancing or vocal or instrumental music, tea rooms, barber shops, beauty parlors, real estate offices, insurance offices, operation of a business for the carrying of passengers for hire (i.e., limousine services, taxi cabs, and the like) and tourist homes are not "customary home occupations."

"Day Care Center"

A non-residential facility which is either authorized by the New York State Department of Social Services and operated by a service provider found qualified by that Department, or licensed by the New York State Department of Health and operated by a service provider found qualified by that Department, and which in both cases offers an organized program of personal care, supervision

and activities for three or more children and/or adults for less than 24 hours per day.

"Deck"

A "structure" attached to or adjoining a house, other principal "building," or above-ground "swimming pool," consisting of one or more planes constructed of wood, metal and/or other materials and located above the surface of the earth on or including a support system of footings and foundations, piers, pilasters, columns, posts, joists, stringers and beams or any combination thereof, and including any railings or open enclosure thereof and including any stairs, ramps or other devices connecting one level with another, with the ground and/or with the adjoining "structure."

"Depth"

See "Lot Depth."

"Detached Dwelling Unit"

See "Dwelling Unit, Detached."

"Development Site"

The entire site designated by the "site plan" or special permit approving agency as the area to which the dimensional and "use" regulations of this Ordinance shall apply, notwithstanding the subdivision or divided ownership of such site.

"Dimensionally Non-conforming"

See "Non-conforming, Dimensionally."

"Dish Antenna"

Any parabolic or part spherical device, also known as a satellite dish antenna or earth station, whose purpose is to receive and/or transmit microwave or other electronic communication signals from and/or to satellites or other instruments for television, radio, data, imagery or other forms of telecommunication. A typical device contains a combination of four main components -- the antenna, or dish; its support "structure"; the amplifier; and a cable which carries the signals to and/or from a receiver and/or transmitter inside the "building." All "dish antennas" are deemed to be accessory "structures," incidental to the principal "use" of any "building," "structure" or "use."

"Domiciliary Care Facility"

A private proprietary nursing home, a private proprietary convalescent home, a private proprietary home for adults, a residence for adults, an intermediate care facility, a family home for adults, a home for the aged, a home for adults, a group residence or any other residential facility for adults as defined in the New York State Social Services Law or regulations promulgated thereunder and any similar facilities operated under the supervision of federal departments and agencies. The keeping of a "roomer" or "roomers" as otherwise permitted in this Ordinance, pursuant to the regulations of the New York State Department of Social Services for family-type homes for adults

(18 NYCRR Part 485), or an "assisted living facility," does not constitute a "Domiciliary Care Facility."

"Dwelling"

A "building" containing one or more "dwelling units."

"Dwelling, One Family"

A "dwelling" containing a single principal "dwelling unit."

"Dwelling, Two Family"

A "dwelling" containing two principal "dwelling units."

"Dwelling, Multi-family"

A "dwelling" containing three or more "dwelling units."

"Dwelling Unit"

A "building" or portion thereof providing complete housekeeping facilities for one "family," including independent cooking, sanitary and sleeping facilities, and physically separate from any other "dwelling unit" whether or not in the same "building."

"Dwelling Unit, Attached"

A "dwelling unit" sharing a common side or rear wall or walls with another "dwelling unit" or "units," but occupying the entire volume within its portion of the "building" from the lowest level to the roof, and having its own separate entrance or entrances to the outside. This type of "dwelling unit" is also known as a townhouse or row house. See Illustration II.

"Dwelling Unit, Detached"

A single "dwelling unit" located in its own separate "building" which does not share a common side or rear wall or walls with any other "dwelling unit." See Illustration II.

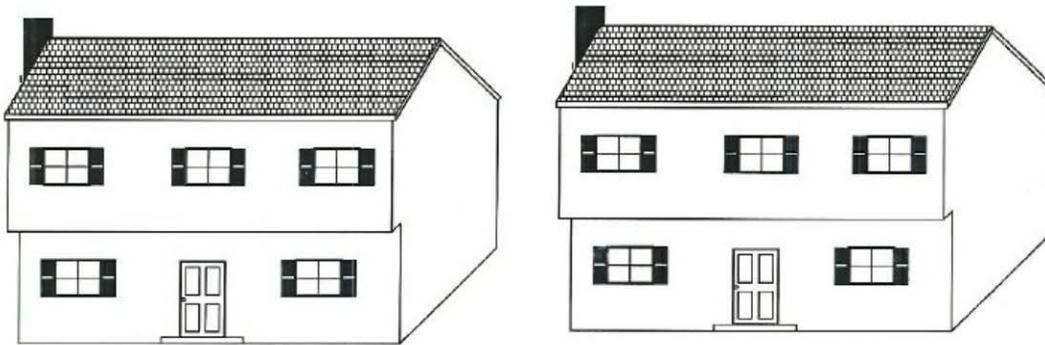
"Electronic Games"

Any electronic, mechanical, video and computer games, ride devices, interactive devices, or any other amusement devices, machines or implements which are designed and intended or used, operated or maintained as a game, amusement or other means of entertainment for the use of which a fee is paid directly into the device by any means, including, but not limited to, coins, cash, keys, prepaid tokens or magnetic swipe cards, debit cards, or credit cards, or directly to an operator, including but not limited to, payment by means of a credit card, debit card or paid on account, or by any other such payment scheme or by membership, excluding any game and/or device the possession or use of which is prohibited by law.

ILLUSTRATION II  
ATTACHED DWELLING UNITS



DETACHED DWELLING UNITS



## "Emergency Shelter"

A facility providing, without charge, temporary housing, with or without meals, for individuals and/or families displaced from their habitual residences as a result of sudden catastrophe (e.g., fire, flood), domestic violence, condemnation, court ordered eviction, or other urgent event.

## "Environmentally Sensitive Site or Feature"

A "lot," plot, parcel of land or portion thereof, or a characteristic or element of or on such land, as described in Chapter 3-5 of the Municipal Code and meeting the thresholds set forth at §3-5 thereof.

## "Excess Gross Floor Area"

The amount of "gross floor area" which is in excess of that required for the conformance of "buildings" or "structures," including accessory "structures," to the "floor area ratio" requirements of this Ordinance on an existing "lot" or designated "development site." The "excess gross floor area" is calculated by multiplying the "area" of a "lot" or designated "development site" by the applicable "floor area ratio" of that "lot" or designated "development site" as specified in this Ordinance, and then by subtracting therefrom the amount of "gross floor area" attributable to all existing and/or approved "buildings" on the "lot" or designated "development site." For parcels of land containing more than one "lot," but not designated as a "development site," the "excess gross floor area" for the combined "lots" shall be the sum of the "excess gross floor area" of the individual "lots."

## "Extended Stay Hotel"

A "building" or portion thereof, containing rooms or suites consisting of connected rooms, with or without cooking facilities, occupied by transient guests who are lodged, with or without meals, which rooms or suites have primary access from public halls, and in which "building" or portion thereof, there are certain public rooms and halls for the use of all guests, and in which are provided such services as are incidental to the "use" thereof as a temporary residence. (See also "Hotel.")

## "Family"

A "family" is

- a) one or more "persons" limited to the spouse, parents, grandparents, grandchildren, sons, daughters, brothers or sisters of the householder, or of the householder's spouse, living together as a single housekeeping unit with kitchen facilities; or
- b) a group headed by a householder caring for a reasonable number of children as would be likely to be found in a biologically unitary "family," which group provides a stable, "family"-type environment for children and which is the functional and factual equivalent of a natural "family."

## "Fast Food Eating Establishment"

A business primarily engaged in the sale of pre-processed or quickly prepared food and beverages in disposable containers or wrappers, selected by patrons from a limited line of specialized items such as hamburgers, chicken, pizza, tacos, hot dogs, ice cream or yogurt, for consumption either on or off the premises, in a facility in which a major portion of the sales to patrons is at a drive-in or stand-up type counter. A delicatessen or a "restaurant" selling food and beverages for consumption off the premises is not a "fast food eating establishment" provided such sale as described above is not the principal business of the establishment.

## "Floor Area"

The horizontal area of a "story" of a "building," measured from the exterior faces of exterior walls, or in the case of a common wall separating two "buildings," from the center line of such common walls, and including porches, balconies and raised platforms, but excluding atriums and cornices, roof overhangs, gutters or chimneys projecting not more than three feet, and steps and "terraces" not more than three feet above the average adjacent ground elevation.

## "Floor Area Ratio" (FAR)

The "gross floor area" of all "buildings" on a "lot" divided by the "area" of such "lot." See Illustration III.

## "Frontage"

See "Lot Frontage."

## "Front Lot Line"

See "Lot Line, Front."

## "Front Yard"

See "Yard, Front."

## "Garage, Parking"

See "Parking Garage."

## "Garage, Private"

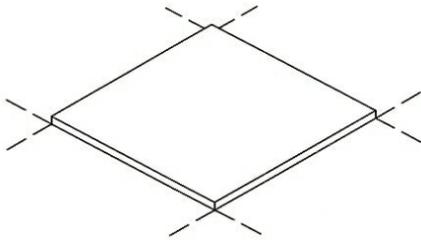
An "accessory building" or part of a "main building" used only for the storage of motor vehicles belonging to residents, employees or visitors of the premises.

## "Golf or Country Club"

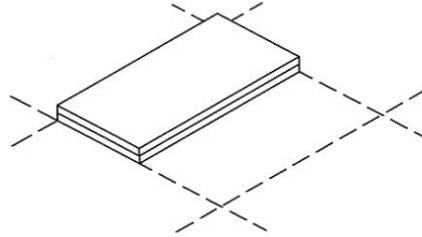
A "membership club" which includes among its facilities an 18 hole golf course.

ILLUSTRATION III

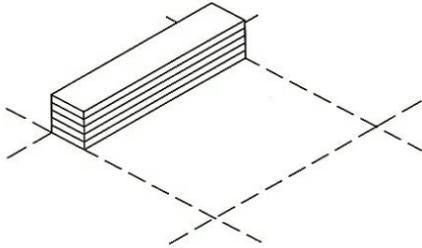
FLOOR AREA RATIO  
(FAR)



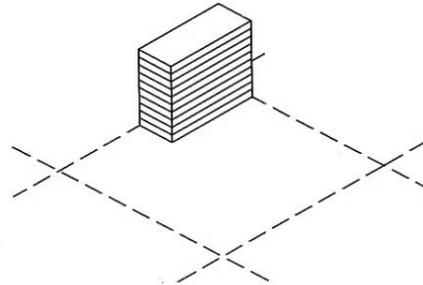
1 STORY BUILDING  
100 % BUILDING COVERAGE  
FLOOR AREA RATIO = 1.0



2 STORY BUILDING  
50 % BUILDING COVERAGE  
FLOOR AREA RATIO = 1.0



5 STORY BUILDING  
20 % BUILDING COVERAGE  
FLOOR AREA RATIO = 1.0



10 STORY BUILDING  
10 % BUILDING COVERAGE  
FLOOR AREA RATIO = 1.0

$$\text{FAR} = \frac{\text{GROSS FLOOR AREA}}{\text{LOT AREA}}$$

## "Grade"

- 1) For "buildings" adjoining one "street" only, the elevation of the curb at the center of the wall adjoining the "street." All walls approximately parallel to and not more than 15 feet from a "street" shall be considered as adjoining a "street."
- 2) For "buildings" adjoining more than one "street" the average of the elevations of the curbs at the centers of all walls adjoining "streets."
- 3) For "buildings" having no wall adjoining a "street," the average level of the ground adjacent to the exterior walls of the "building." See Illustration IV.

## "Gross Floor Area"

The sum of the "floor areas" of all "stories" of a "building," excluding any "floor area" housing mechanical or other equipment and "floor area" devoted to parking but including any "basement" or "cellar" used for the principal "use" or for a "dwelling unit" by other than a janitor or watchman.

## "Gross Land Coverage"

That percentage of the land area covered by the combined area of all "buildings," "structures" and paved areas on the "lot."

## "Half Story"

See "Mezzanine."

## "Health Clubs"

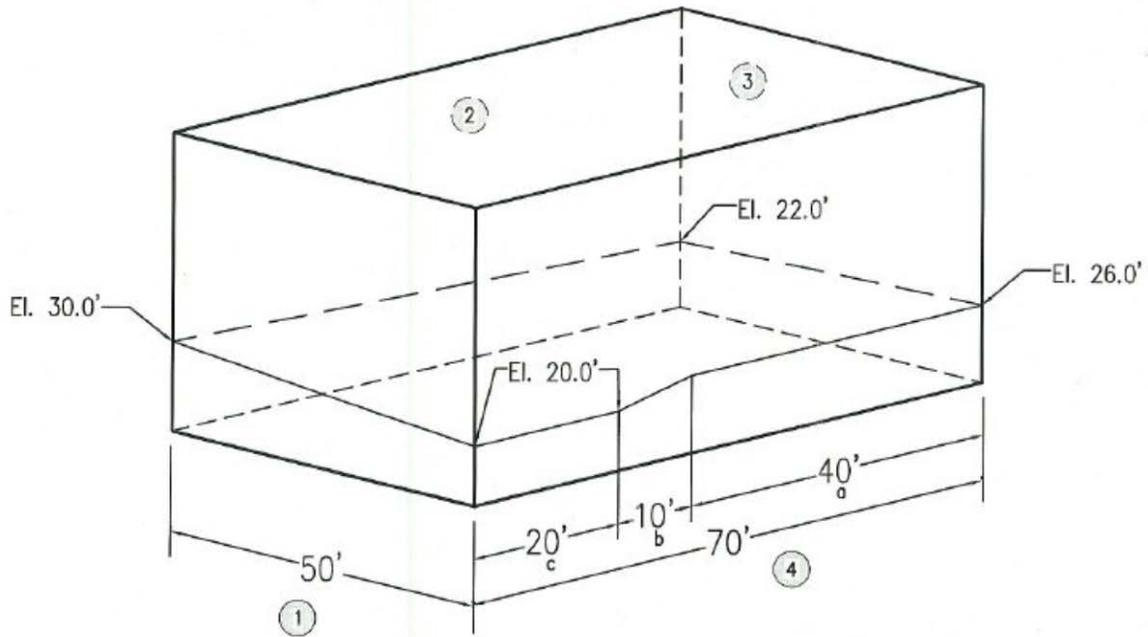
Membership facilities designed and used for body conditioning and rehabilitation, including activities such as aerobic and related class exercises. "Health Clubs" may contain equipment such as swimming pools, whirlpools, saunas, steam rooms, showers, locker facilities and, as an "accessory use," a health food bar.

## "Height"

The vertical distance from "grade" to the level of the highest point of the roof if the roof is flat or mansard, or to the mean level between the eaves and the highest point of the roof if the roof is of any other type. Where "grade" is defined to be the average level of the ground adjacent to the exterior walls of the "building," the average "height" of the "building" wall facing the "street" shall not exceed 1 1/4 times the maximum "height" allowed in that district. See Illustration IVa.

ILLUSTRATION IV

GRADE: AVERAGE LEVEL  
OF GROUND



WALL ①  $\frac{20.0+30.0}{2} \times 50 = 1250$

WALL ②  $\frac{30.0+22.0}{2} \times 70 = 1820$

WALL ③  $\frac{22.0+26.0}{2} \times 50 = 1200$

WALL ④ a.  $26.0 \times 40 = 1040$

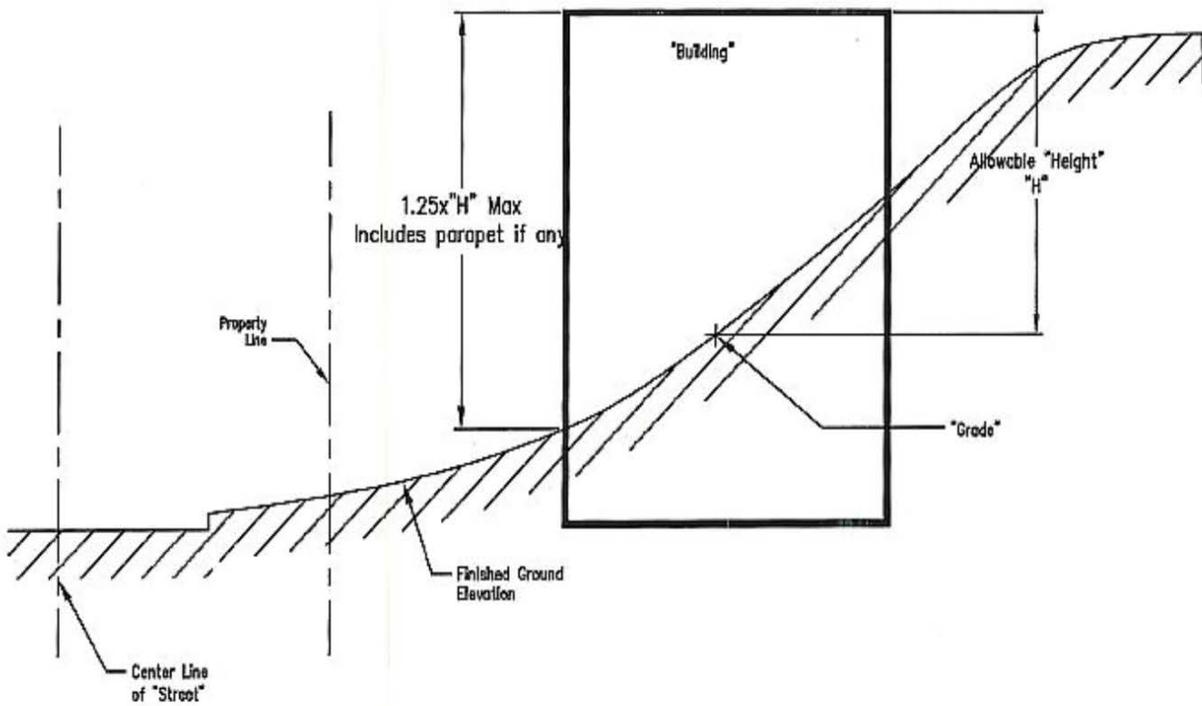
b.  $\frac{26.0+20.0}{2} \times 10 = 230$

c.  $20.0 \times \frac{20}{240} = \frac{400}{5940}$

TOTAL GRADE =  $\frac{5940}{240} = 24.75'$

# ILLUSTRATION IVa

## HEIGHT



## "Hotel"

A "building" or portion thereof, containing rooms, without individual kitchen facilities, occupied by transient guests who are lodged, with or without meals, which rooms have primary access from public halls, and in which "building" or portion thereof there are certain public rooms and halls for the use of all guests, and in which are provided such services as are incidental to the "use" thereof as a temporary residence.

(See also "Extended Stay Hotel.")

## "Household Pet"

An animal commonly kept in a "dwelling unit" by the inhabitants thereof for amusement or companionship, such as a dog, cat, bird, fish, gerbil, hamster or non-poisonous snake. Any other animal, such as a goat, pony, horse or sheep, or more than four dogs or cats over six months of age, more than ten gerbils or hamsters over two months of age, or more than three non-poisonous snakes, is not a "household pet."

## "Length of Building"

The horizontal distance between the furthestmost walls of a "building," including any carports or porches.

## "Loading Space"

An off-"street" space available for the loading and unloading of goods, and complying with the requirements of Section 8 of this Ordinance.

## "Lot"

A recorded piece, plot or parcel of land or assemblage of recorded contiguous parcels of land, all in common ownership and designated on the Assessor's records as a single parcel, occupied or to be occupied by "main" and "accessory buildings" and "uses," and including the "usable open space" required by this Ordinance.

## "Lot Area"

The total horizontal area included within "lot lines."

## "Lot, Corner"

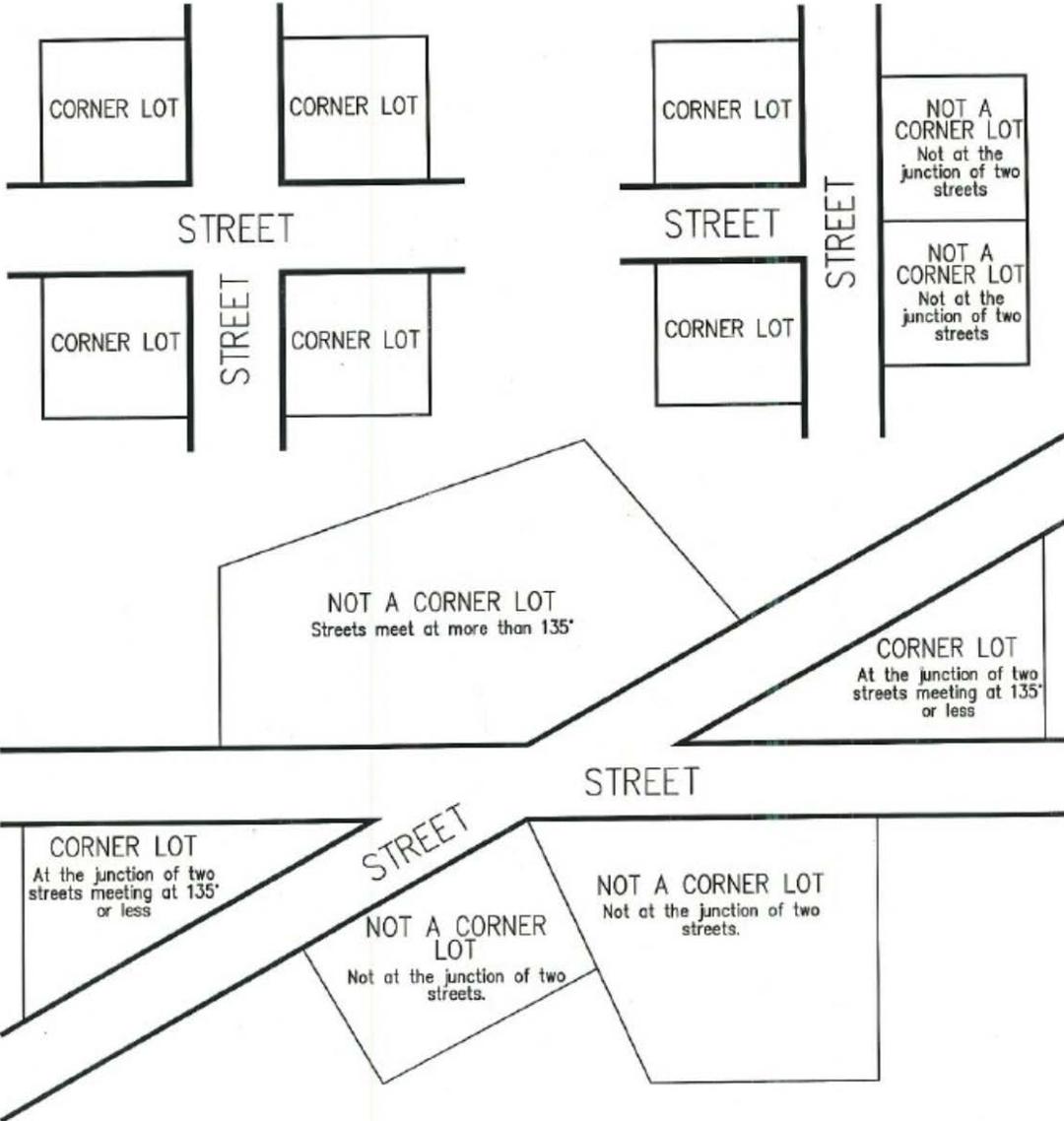
A "lot" located at the junction of two or more intersecting "streets" where the interior angle formed by the intersection of the "streets" is 135 degrees or less. See Illustration V.

## "Lot Depth"

The mean horizontal distance between the "front" and "rear lot lines" measured in the general direction of the "side lot lines."

ILLUSTRATION V

CORNER LOTS



### "Lot Frontage"

The continuous extent of a "lot" along a "street," or the length within a "lot" of a continuous line parallel with the "street" and distant therefrom no more than the minimum required "front yard." See Illustration VI.

### "Lot Line"

A property line bounding a "lot."

### "Lot Line, Front"

In the case of a "lot" abutting upon only one "street," the "lot line" separating the "lot" from the "street." In the case of any other "lot," the owner may elect any "street" line as the "front lot line," except that where the majority of "lots" in any block are developed, the "front lot line" shall be the same as that used by such other "lots." See Illustration VII. In addition, in the case of a through "lot" having frontage on two "streets," the "front yard" setback and all other requirements of this Ordinance applicable to "front yards" shall apply for both "streets."

### "Lot Line, Rear"

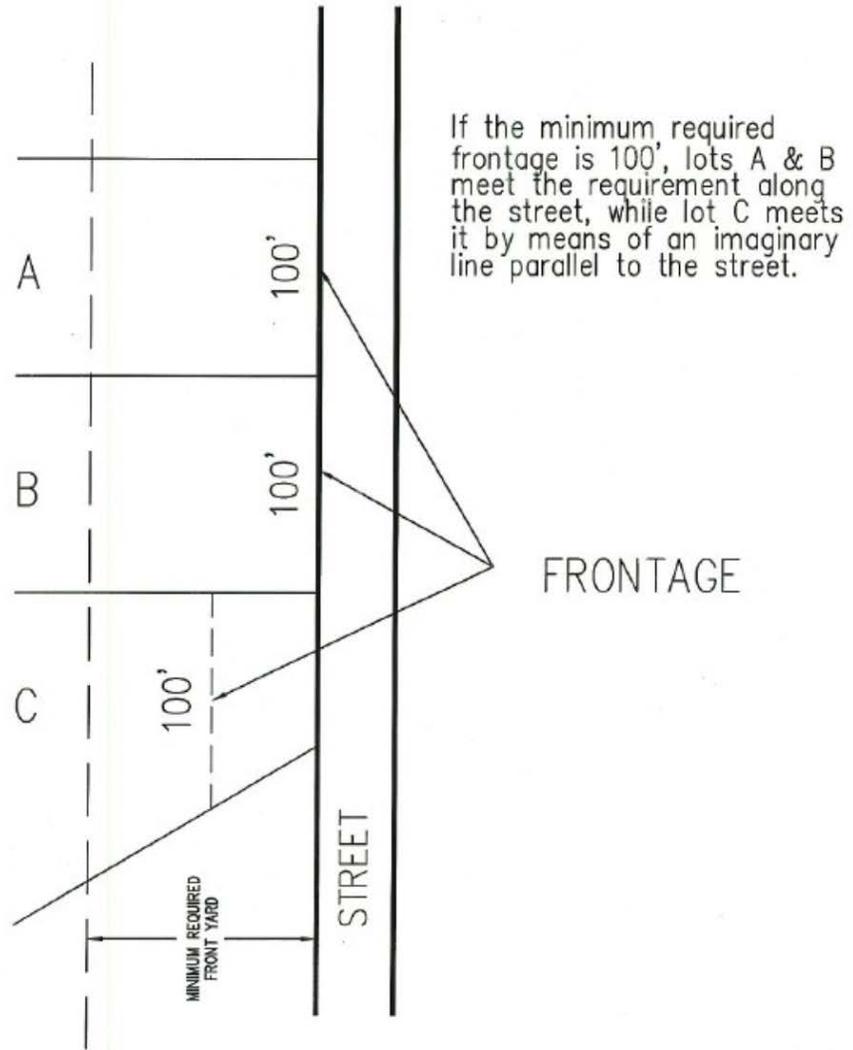
The "lot line" which is generally opposite the "front lot line." If the "rear lot line" is less than 10 feet in length, or if the "lot" comes to a point at the rear, the "rear lot line" shall be deemed to be a line parallel to the "front lot line," not less than 10 feet long, lying wholly within the "lot" and farthest from the "front lot line."

### "Lot Line, Side"

Any "lot line" other than the "front lot line" and the "rear lot line."

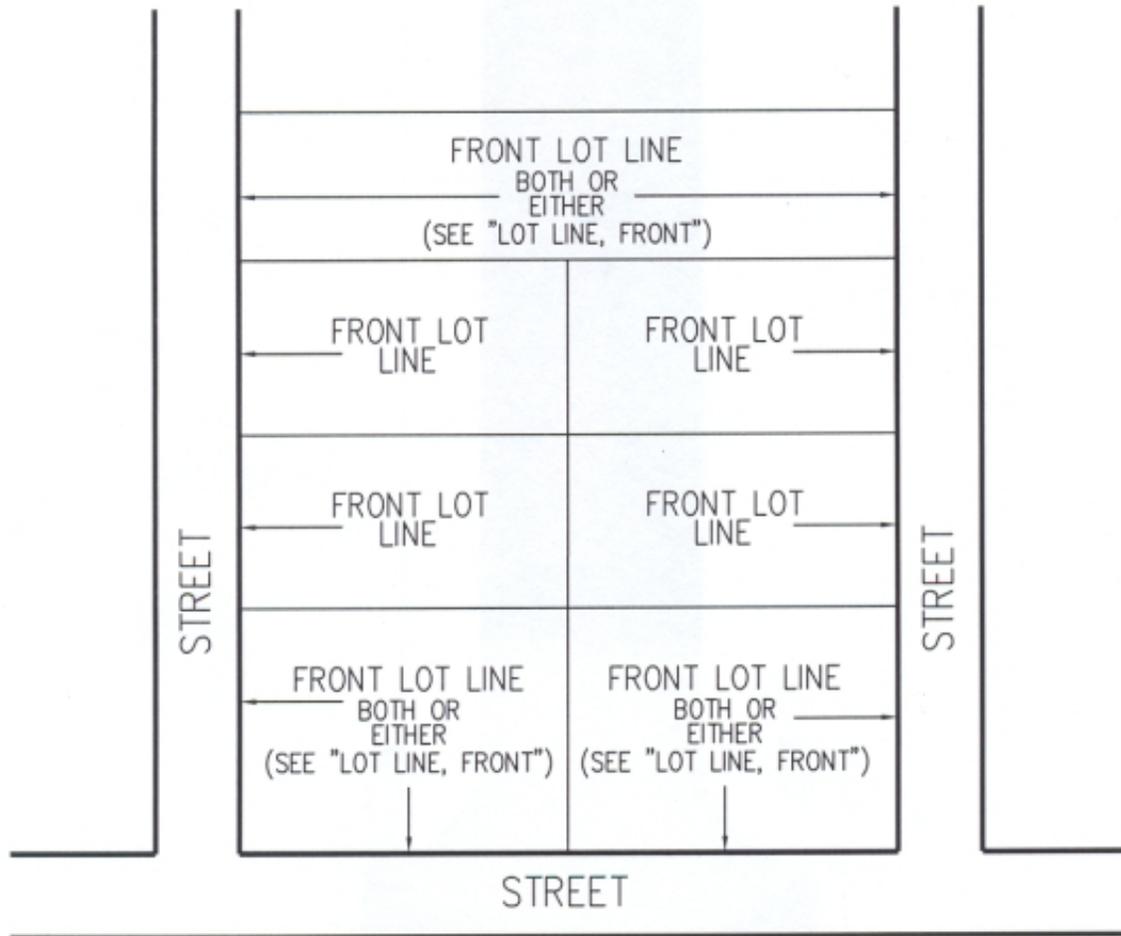
ILLUSTRATION VI

LOT FRONTAGE



If the minimum required frontage is 100', lots A & B meet the requirement along the street, while lot C meets it by means of an imaginary line parallel to the street.

ILLUSTRATION VII  
FRONT LOT LINE



"Manufacturing, Light"

The manufacturing, predominantly from previously prepared materials, of finished products or parts including the compounding, processing, assembly or disassembly, packaging or testing of goods or equipment, including research activities, conducted largely within an enclosed structure and incidental storage, sales and distribution of such products, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

"Main Building"

A "building" in which is conducted the principal "use" of the "lot" on which such "building" is situated.

"Membership Club"

A "not-for-profit corporation" organized to cater exclusively to its members and their guests, including land, "buildings," and facilities for recreational, athletic, social, professional and cultural purposes. The members of the organization shall have a financial interest in, and method of control of, the assets and management of the "membership club."

"Mezzanine"

An upper most "story" in which the "floor area" having a clear height of at least 7 1/3 feet is one-third or less of the "floor area" of the "story" next beneath it.

"Mini-storage facility"

A self-storage facility which is designed and operated to provide within one or more "buildings" or fully enclosed "structures" separate, secure, small, self-service storage units accessible and rented to "persons" for the storage of items brought to and retrieved directly from the self-storage units by the "persons" to whom the respective storage units are contracted, or by their duly authorized designees. These facilities are designed to accommodate access primarily from regular size passenger vehicles and two-axle trucks.

"Minor Accessory Building"

A "building" containing less than 750 cubic feet and customarily found accessory to a "dwelling unit," such as a garden house, tool house, playhouse or green house.

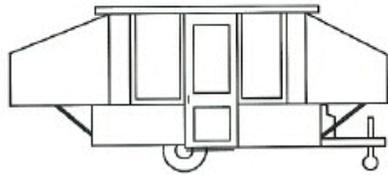
"Mobile Home"

As defined in Article 19-AA of the Executive Law of the State of New York.

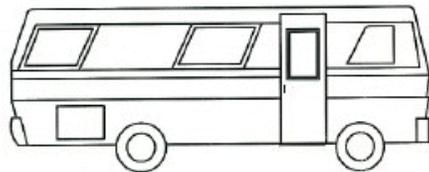
"Motor Home"

A portable, temporary abode designed to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle, and measuring at least 227 inches in length, 85 inches in height and 80 inches in width. See also "Camper Trailer," "Mobile Home," "Travel Trailer," "Pick-up Coach" and Illustration VIII.

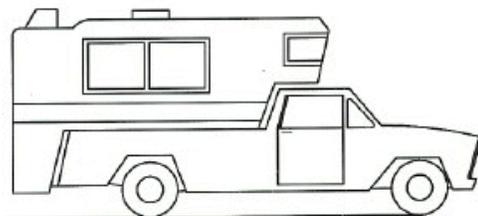
ILLUSTRATION VIII  
RECREATIONAL VEHICLES



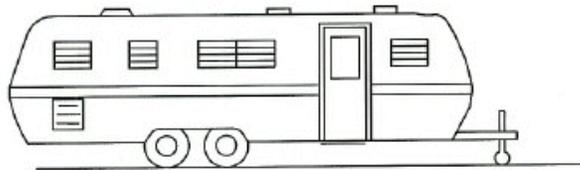
CAMPER TRAILER



MOTOR HOME



PICK-UP COACH



TRAVEL TRAILER

"Multi-family Dwelling"

See "Dwelling, Multi-family."

"Net Floor Area"

The floor area of a premises open to the public excluding bathroom facilities.

"Not-for-Profit Corporation"

A corporation formed or existing under the Not-for-Profit Corporation Law of New York State.

"Non-conforming Use"

A "use" of a "building," "structure" or land that does not conform to any one or more of the applicable regulations as to "use" in the district in which it is located, which "use" was lawful under the Zoning Ordinance in effect at the time the "use" was established.

"Non-Conforming Dimensionally"

The status of a "building" or "structure" that is conforming in "use" but does not conform to the "lot" dimension, "yard" dimension, "height," "building coverage," "floor area ratio," off-"street" parking, loading or similar dimensional requirements of this Ordinance, and which conformed to such dimensional requirements of the Zoning Ordinance in effect at the time such "building" or "structure" was established.

"Nursery School"

A nonpublic school registered with the New York State Education Department that provides learning activities with varying program schedules for six or more children less than seven years old in an environment found by such Department to be under the supervision of qualified teachers and to be healthy and safe.

"One Family Dwelling"

See "Dwelling, One Family."

"Overnight Shelter for the Homeless"

A facility providing, without charge, single night, temporary lodging, with or without meals, for indigent adults with no ordinary or regular home or residence address.

"Parking Lot"

An off-"street" area at "grade" containing one or more "parking spaces" with passageways and driveways appurtenant thereto.

"Parking Garage"

A "building" for the parking or storage of motor vehicles and in which no other "use" is conducted.

"Parking Space"

An off-"street" space available for the parking of one motor vehicle on a transient basis.

"Person"

Any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Philanthropic Institution"

An institution which is incorporated as a Type B public benefit "not-for-profit corporation" as defined in Article 2 Section 201 of the Not-for-Profit Corporation Law of the State of New York and which qualifies for exemption under Internal Revenue Code 501( c )(3); excluding those institutions which are penal or correctional institutions, "domiciliary care facilities," "community residences," or institutions owned or operated by a governmental agency.

"Pick-up Coach"

A device designed to be mounted on a truck chassis for occupancy as a temporary abode for travel, recreation and vacation. See also "Camper Trailer," "Mobile Home," "Motor Home," "Travel Trailer" and Illustration VIII.

"Planned Campus Development"

A master-planned mixed use development located in a "Planned Campus Development District" mapped in a C-O District on a "development site" consisting of one or more contiguous "lots" having a minimum combined "lot area" of 10 acres and which "development site" includes as permitted principal "uses" either multifamily residential or retail in combination with each other or in combination with offices "uses" and other "uses" permitted in a C-O District which are complementary to and supportive of one or more principal C-O District "uses", and which includes planned public and private open space, walkways and bike trails that link and are integrated into the "planned campus development" and the City's open space network, all as regulated under Section 5.9 "Planned Campus Development" of this Zoning Ordinance.

"Planned Campus Development District"

A master-planned mixed use development overlay district which may be mapped in a C-O District on a "development site" consisting of one or more contiguous "lots" having a minimum combined "lot area" of 10 acres and which "development site" includes as permitted principal "uses" either multifamily residential or retail in combination with each other or in combination with offices "uses" and other "uses" permitted in a Campus Office District which are complementary to and supportive of one or more principal Campus Office "uses", and which includes planned public and private open space, walkways and bike trails that link and are integrated into the "planned campus development" and the City's open space network, all as regulated under Section 5.9 Planned Campus Development" of this Zoning Ordinance.

#### “Planned Senior Residential Development”

An age restricted integrated senior residential community in a campus setting providing a variety of housing types, including at least two of the following; independent living units, “assisted living facility,” and “domiciliary care facility,” with healthcare support, including but not limited to availability of accessible units and assistance for residents with activities of daily living, and including other appropriate ancillary and “accessory uses” typically found in integrated senior residential communities, such as recreation and health club facilities restricted to residents of the “Planned Senior Residential Development” and their guests; dining facilities restricted to residents and employees of the “Planned Senior Residential Development” and the guests of the residents, and residential facilities for staff personnel, storage facilities, places of worship, gift shops, flower shops, newsstands, laundries, and other similar facilities for the exclusive use of residents and their guests, and staff. At least one of the primary occupants of an independent senior living unit shall be at least 60 years of age, and shall occupy the unit as the occupant’s primary residence.

In a “Planned Senior Residential Development,” an ancillary “use” shall be defined as a “use” which is sponsored by an approved “Planned Senior Residential Development” and is typically found in an integrated senior residential community, and which is subordinate and complementary to, and supportive of, one or more of the principal “uses” in a “Planned Senior Residential Development.” An ancillary “use” must be located on the same “lot” as the “Planned Senior Residential Development.”

#### “Planned Senior Residential Development District”

A special residential zoning district in which the “use”, dimensional standards and special regulations are set forth in Sections 3.7 and 5.8 and apply to the district in its entirety.

#### "Private Elementary School"

An institution conducting a regularly scheduled curriculum of study similar to that of the elementary “public schools” and operated in accordance with the Education Law of the State of New York.

#### "Private Garage"

See "Garage, Private."

#### "Private Secondary School"

An institution conducting a regularly scheduled curriculum of study similar to that of the public secondary schools and operating in accordance with a charter issued by the Board of Regents of the State of New York.

#### "Professional Person"

An attorney admitted to practice in the State of New York, or a certified public accountant, a professional engineer, an architect, a landscape architect, a physician, a dentist, a speech pathologist, an audiologist, a chiropractor, a podiatrist, a physical therapist, or an individual licensed to practice psychology, all as defined in the Education Law of the State of New York.

"Protective Buffer Area"

As regulated under Section 4.4.25 of this Ordinance, an area surrounding a wetland, aquifer recharge area, or water resource defined in Section 3.5.2 of the Municipal Code with thresholds defined in Section 3.5.3 thereof, to be preserved and maintained, to the maximum extent practicable in its natural state.

"Public School"

An educational institution operated by a public school district in accordance with the Education Law of the State of New York.

"Public Utility"

Any "person" duly authorized to furnish to the public, under public regulation, electricity, gas, water, sewage treatment, steam, cable TV or telephone or telegraph service.

"Real Estate Offices"

Stores for sales at retail, or for lease or rent at retail, of one and two family residences, cooperative and condominium homes and apartments, rental apartments, and improved and unimproved land or lots for one and two family residences to individual purchasers and tenants for residential use. Real estate offices dealing exclusively in commercial property and/or in land for development shall be considered business offices and not stores for sales at retail.

"Rear Lot Line"

See "Lot Line, Rear."

"Rear Yard"

See "Yard, Rear."

"Recreation Facilities"

Facilities designed and used for active and passive participatory athletic and general recreation activities, such as gymnasias, dance halls, skating rinks, swimming pools, tennis courts, ball fields, bowling alleys and billiard rooms; excluded are facilities intended for spectator activities, such as stadia and arenas, and any "structure" in which is maintained for the amusement, patronage or recreation of the public more than three "electronic games."

"Repair Shop"

A business enterprise engaged in the servicing and repair of motor vehicles, including auto body repair, or the retail sale, direct to the motorist, of motor vehicle parts and accessories, including the installation thereof.

"Restaurant"

A business enterprise primarily engaged in preparing, cooking, and serving food and beverages on premises; selected from a full menu by patrons seated at a table or counter, served by a waiter or waitress, and consumed on the premises. See also "Cafeteria," "Cabaret," and "Fast Food Eating Establishment."

"Restrictive Buffer Area"

As regulated under Section 4.4.25 of this Ordinance, an area surrounding a wetland, water resource, or aquifer recharge area defined in Section 3.5.2 of the Municipal Code with thresholds defined in Section 3.5.3 thereof, or a "protective buffer area" as defined in this Ordinance, in which the placement of "buildings," "structures," and "parking lots" are prohibited; and in which roads, driveways, residential parking, and site alterations as described in Section 3.5.4(1) of the Municipal Code shall be avoided to the maximum extent practicable, with landscaping required pursuant to Section 4.4.19 of this Ordinance.

"Retail Dry Cleaner"

A business enterprise having facilities for the cleaning and pressing of clothing which deals directly with ultimate consumers, does not exceed 2,500 square feet of "gross floor area," uses only solvents with a flash point of not less than 138.2 degrees Fahrenheit, and has a total aggregate dry load capacity of machines not exceeding 60 pounds.

"Retail Laundry"

A business enterprise with facilities for the washing of clothing which deals directly with the ultimate consumers and which does not exceed 2,500 square feet of "gross floor area."

"Roomer"

An occupant of a "rooming unit."

"Rooming House"

Any "dwelling" containing three or more "rooming units."

"Rooming Unit"

One or more rooms, with or without private bathroom facilities, but without cooking facilities, which are rented or available for rent, and which are located within a "dwelling unit."

"Service Station"

A business enterprise engaged in the retail sale, direct to the motorist, of gasoline, and which may also include the sale of oil, tires, accessories and services for motor vehicles, including minor repair work.

"Side Lot Line"

See "Lot Line, Side."

"Side Yard"

See "Yard, Side."

"Site Plan"

A map showing the design for the layout, arrangement and "use" of "buildings" and land, including "accessory uses," facilities and services, and meeting the requirements of Section 7.3 of this Ordinance.

"Social Service Centers for Homeless Persons"

Facilities providing, without charge, counseling and referral services and a lounge and reception area, with or without meals, for indigent homeless families and individuals with no ordinary or regular home or residence address.

"Story"

That portion of a "building" included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost "story" shall be that portion of a "building" included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a "basement" or "cellar" is more than 6 feet above "grade," such "basement" or "cellar" shall be considered a "story." An intermediate floor between the floor and ceiling of any "story," and covering less than one-third of the "floor area" immediately below the intermediate floor shall be considered a "mezzanine," which shall not be counted as a "story."

"Street"

An existing State, County or City highway or road, or way shown on a subdivision plat approved by the Planning Board, or on a plat duly filed and recorded in the Office of the County Clerk prior to the appointment of the Planning Board and the grant to such board of the power to approve subdivision plats, including all of the land within the right-of-way.

"Structure"

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Included are "swimming pools," "parking garages" and tennis courts, but not anything requiring only simple paving or surfacing of the ground such as "parking lots," driveways or sidewalks.

"Swimming Pool"

A man made body of water or receptacle for water having a depth of more than 20 inches and a water surface area of more than 80 square feet, and constructed, installed or maintained in or above ground outside any "building."

## "Terrace"

An uncovered flat platform of earth with a surface material. A "terrace" which has a roof and which is attached to a "building" shall be considered a porch.

## "Transitional Housing for Homeless Families"

A special residential facility consisting of small "dwelling units" constructed in any multiple dwelling configuration of one or more "buildings" and including in the same or in separate "structures" on the site community and common spaces including, without limitation, child care, job counseling and training, social service referral and administrative operations, recreational opportunities and other functions as required.

## "Travel Trailer"

A vehicular portable device built on a chassis, designed to be used primarily as a temporary abode for travel, recreation and vacation use, having a body width not exceeding 8 feet and a body length not exceeding 32 feet. See also "Camper Trailer," "Mobile Home," "Motor Home" "Pick-up Coach" and Illustration VIII.

## "Two Family Dwelling"

See "Dwelling, Two Family."

## "University or College"

An institution of higher education operated in accordance with a charter issued by the Board of Regents of the State of New York.

## "Usable Open Space"

An outdoor area or areas, each containing not less than 250 square feet and with a minimum dimension of 10 feet, designed, constructed and maintained for active and passive pedestrian "use." It may include plazas, "courts," lawns, gardens sitting areas and similar types of areas, and shall be provided with such paving, planting beds, fountains, sculptures and works of art, seating, and comparable facilities as may be appropriate to the location. The design shall complement the architecture of the "building" or "buildings" on the same "lot." Up to 50 percent of the required "usable open space" may be beneath a "building" or overhang, canopy, arcade or similar projection at least 12 feet above such "space" provided it is fully open along at least 40 percent of its perimeter. All "usable open space" shall be designed, constructed and maintained so as to be readily accessible.

## "Use"

The specific purpose for which land, water, a "building" or a "structure" is designed, arranged, intended or for which it is or may be occupied or maintained.

#### "Variance, Area"

The authorization by the Board of Appeals for the "use" of land in a manner which is not allowed by the dimensional or physical requirements of this Ordinance.

#### "Variance, Use"

The authorization by the Board of Appeals for the "use" of land for a purpose which is otherwise not allowed or is prohibited by this Ordinance.

#### "Yard"

An open space on the same "lot" with a "building" or group of "buildings," which open space lies between the "building" or group of "buildings" and the nearest "lot line." In measuring a "yard," the line of a "building" shall be deemed to mean a line parallel to the nearest "lot line," drawn through the point of the "building" or group of "buildings" which is nearest to such "lot line," and the measurement shall be taken at right angles from the "lot line" to the nearest line of the "building." A required "yard" is that portion of a "yard" meeting the minimum "yard" requirements of Section 5.3, measured from the "lot line." See Illustration IX. The area within any minimum required perimeter setback as set forth in Section 5.7.3.4.1 is a required "yard."

#### "Yard, Front"

A "yard" extending across the full width of the "lot" and lying between the "front lot line" and the nearest point of the "building." See Illustration IX.

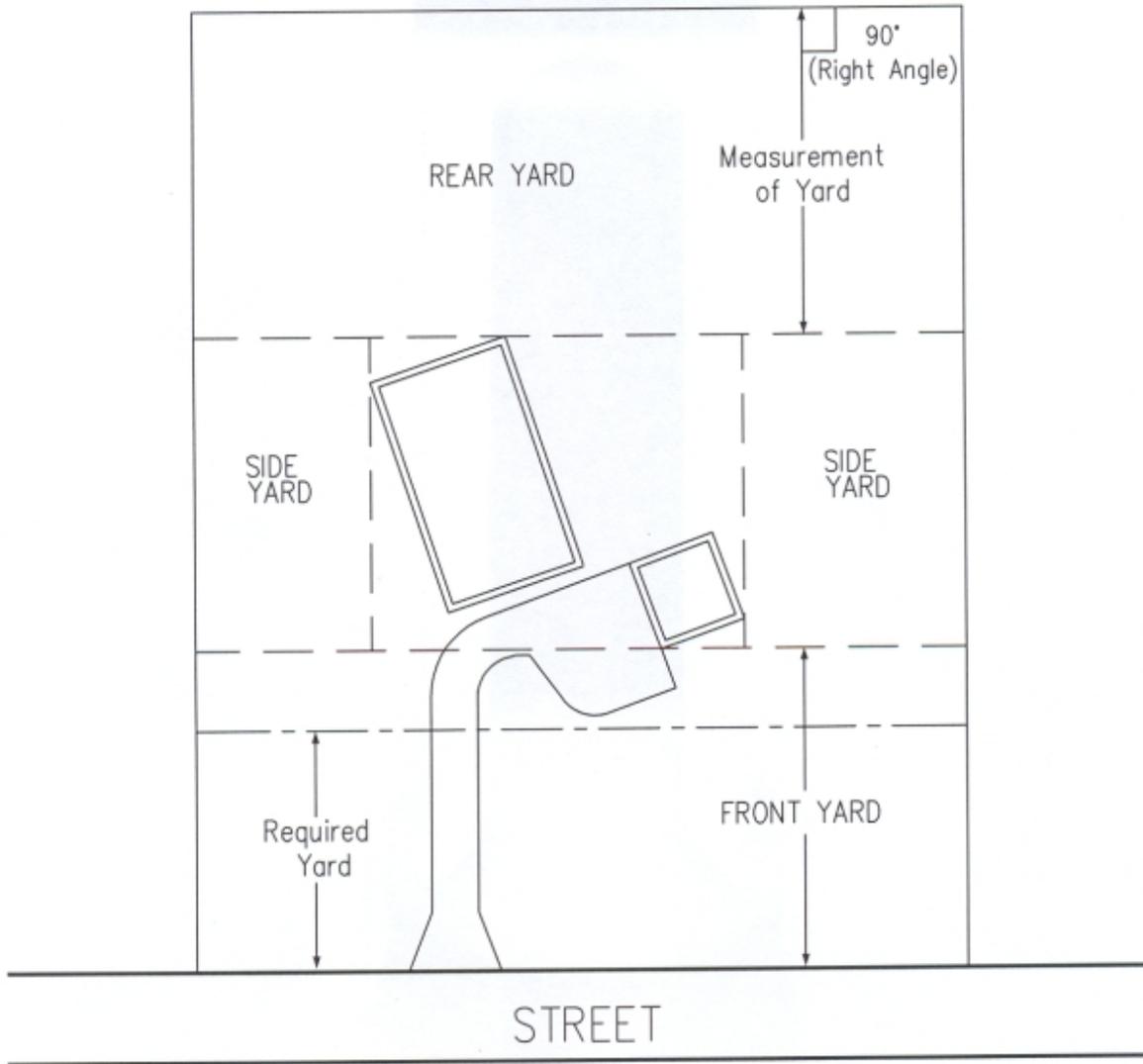
#### "Yard, Rear"

A "yard" extending across the full width of the "lot" and lying between the "rear lot line" and the nearest point of the "building." See Illustration IX.

#### "Yard, Side"

A "yard" between a "side lot line" and the nearest point of the "building" and extending from the "front yard" to the "rear yard," or, in the absence of either of such "yards," to the "front" and "rear lot line," as the case may be. See Illustration IX.

ILLUSTRATION IX  
MEASURING A YARD





## SECTION 3 - ESTABLISHMENT OF DISTRICTS

### 3.1. District Classification

The City of White Plains is hereby divided into the following classes of districts (references in parentheses are to former residential zone designations):

#### Residence Districts

R1-30	Residential One Family
R1-20	Residential One Family
R1-12.5	Residential One Family
R1-7.5	Residential One Family
R1-5	Residential One Family
R2-4	Residential One and Two Family
R2-2.5	Residential One and Two Family
RM-2.5	Residential Multi-Family
RM-2	Residential Multi-Family
RM-1.5	Residential Multi-Family
RM-1.5T	Residential Townhouse
RM-1	Residential Multi-Family
RM-0.7	Residential Multi-Family
RM-0.4	Residential Multi-Family
RM-0.35	Residential Multi-Family
PSRDD	Planned Senior Residential Development

#### Business Districts

C-O	Campus Office
PCDD	Planned Campus Development
O-R	Office-Residential
B-1	Restricted Business
B-2	Neighborhood Business
B-3	Intermediate Business
BR-1	Business Residential-1

BR-2	Business Residential-2
CB-1	Core Business-1
CB-2	Core Business-2
CB-3	Core Business-3
CB-4	Core Business-4
UR-4	Urban Renewal Central Business-4
B-6	Enclosed Mall

Industrial Districts

LI-M	Light-Industrial-Mixed Use
LI	Light Industrial

**3.2. Zoning Map Establishment**

The boundaries of these districts and special building lines are hereby established as shown on a map entitled Zoning Map, City of White Plains, New York, dated June 1, 1981, and as may be amended from time to time and certified by the City Clerk, which map accompanies and with all explanatory matter thereon is made a part of this Ordinance. The Official Copy of this map is kept by the City Clerk, with copies thereof kept by the Departments of Planning and Building. Copies at a reduced scale are included with copies of this Ordinance. Whenever the Common Council amends the Zoning Map, the City Clerk shall notify the Commissioner of Planning, who shall cause the amendment to be made to the Official Copy of the Zoning Map and to the copies kept by the Departments of Planning and Building.

**3.3. Interpretation of District Boundaries**

Where uncertainty exists as to the location of any boundaries shown on the Zoning Map, the following rules shall apply:

- 3.3.1 District boundary lines follow "lot lines," "streets," municipal boundaries, rights-of-way, railroad rights-of-way or watercourses, or are parallel or perpendicular thereto, unless such district boundary lines are fixed by dimensions, as shown on the Zoning Map.
- 3.3.2 Where district boundaries are shown approximately following "streets," rights-of-way, railroad rights-of-way or watercourses, the center lines thereof shall be such boundaries.
- 3.3.3 Where district boundaries are shown approximately following municipal boundaries or "lot lines," such municipal boundaries or "lot lines" shall be the district boundaries.
- 3.3.4 Where district boundary lines divide a "lot," the location of any such boundary, if not indicated by dimensions, shall be determined by use of the map scale appearing thereon.
- 3.3.5 If the district classification of any property is in question, it shall be deemed to be in the most restrictive adjoining district.

### **3.4. Order of Restrictiveness**

Where zoning districts are referred to as more restrictive or less restrictive, the designations shall refer to the order in which the districts are named in Section 3.1, the first named being the most restrictive.

### **3.5. "Lots" in Two or More Districts or Municipalities**

Where a "lot" in one ownership of record is divided by one or more district or municipal boundary lines, the following shall apply:

- 3.5.1 "Uses" permitted in one district or another municipality may not extend into another district of the City of White Plains where they would not otherwise be permitted.
- 3.5.2 Except as otherwise provided in this Section, dimensional requirements permitted in one district or another municipality may not extend into another district of the City of White Plains where they would not otherwise be permitted.
- 3.5.3 "Density" or "floor area ratio" for each section of a "lot" shall be determined by the dimensional requirements that are applicable to the district in which the section of the "lot" is located.
- 3.5.4 "Density" or "floor area ratio" may not be transferred among sections of a "lot" unless the proposed "uses," "density" and "floor area ratio" are permitted in each district.
- 3.5.5 "Building coverage" requirements permitted in one district may be extended into another district where it would not otherwise be permitted on issuance of a special permit pursuant to Section 6.7.27.

### **3.6. Former Special Zones**

- 3.6.1 Special zoning conditions affecting individual properties or groups of properties and heretofore adopted as S Zones by the Common Council under the provisions of the previous Zoning Ordinance, where determined to be still applicable have been annotated on the Zoning Map by an asterisk (\*) and are hereby incorporated by reference in this Ordinance. "Uses" established or "structures" constructed pursuant to such special zoning conditions shall be deemed conforming under the terms of this Ordinance. An index map annotating the properties affected by such conditions and containing the text of those conditions, or appropriate reference thereto, is kept by the City Clerk, with copies thereof kept by the Departments of Planning and Building. If the Common Council amends such index map, the City Clerk shall notify the Commissioner of Planning, who shall cause the amendment to be made to the map kept by the City Clerk and to the copies kept by the Departments of Planning and Building.
- 3.6.2 In S Zones where approval of final plans, construction plans or other design documents was a condition of a change of zone, special determination or other zoning action, such design documents shall be deemed to be approved "site plans." Any amendments or changes to such design documents shall be treated as amendments to approved "site plans" in accordance with Section 7.7.2 of this Ordinance, provided that such amendments create no new non-conformity with the regulations of this Ordinance.

### **3.7. “Planned Senior Residential Development District”**

- 3.7.1 “Uses,” including ancillary and “accessory uses,” and dimensions, including, but not limited to, “lot area,” “frontage,” “building coverage,” “floor area ratio,” “yard” setbacks, and building “height” approved by the Common Council as part of the approval of a “Planned Senior Residential Development” in a “Planned Senior Residential Development District,” and “structures,” parking lots and landscaping constructed pursuant to such approval, shall be deemed conforming under the terms of this Ordinance.
- 3.7.2 “Planned Senior Residential Development” “site plan” documents showing the design for the layout, arrangement and “use” of “structures” and land, including, but not limited to ancillary and “accessory uses,” and “accessory structures,” landscaping, roadways and site access which meet the requirements of Section 7.3 of this Ordinance and have been approved by the Common Council, shall be deemed to be an approved “site plan” for the “Planned Senior Residential Development District.” Any amendments or changes to such “site plan” documents which are in conformance with all of the “use” and dimensional regulations of the “Planned Senior Residential Development District” in which the “Planned Senior Residential Development” is located shall be treated as amendments to an approved “site plan” in accordance with Section 7.7.2 of this Ordinance, provided that such amendments create no new non-conformity with the regulations of this Ordinance.
- 3.7.3 Any amendments or changes to such “site plan” documents which are not in conformance with all of the “use” and dimensional regulations of the “Planned Senior Residential Development District” in which the “Planned Senior Residential Development” is located shall be treated as amendments to the “Planned Senior Residential Development District” in accordance with Section 12 of this Ordinance.

### **3.8. “Planned Campus Development District”**

- 3.8.1 "uses," including ancillary and "accessory uses", and dimensions, including, but not limited to, "lot area," "frontage," "building coverage," "floor area ratio," "yard" setbacks, and building "height" approved by the Common Council as part of the approval of a "planned campus development" in a "Planned Campus Development District," and "structures", parking lots and landscaping constructed pursuant to such approval, shall be deemed conforming under the terms of this Ordinance.
- 3.8.2 "Planned Campus Development" "site plan" documents showing the design for the layout, arrangement and "use" of "structures" and land, including, but not limited to principal, ancillary and "accessory uses," and "accessory structures," landscaping, roadways and site access which meet the requirements of Sections 7.3, 7.5 and 5.9 of this Ordinance and have been approved by the Common Council, shall be deemed to be an approved "site plan" for the "planned campus development district." Any amendments or changes to such "site plan" documents which are in conformance with all of the "use" and dimensional regulations of the "planned campus development district" in which the "Planned Campus Development" is located shall be treated as amendments to an approved "site plan" in accordance with section 7.7.2 of this ordinance, provided that such amendments create no new non-conformity with the regulations of this Ordinance.

3.8.3 Any amendments or changes to such "site plan" documents which are not in conformance with all of the "use" and dimensional regulations of the "Planned Campus Development District" in which the "Planned Campus Development" is located shall be treated as amendments to the "Planned Campus Development District" in accordance with section 12 of this Ordinance.



## SECTION 4 - REGULATIONS

### 4.1 Application of Regulations

- 4.1.1 Conformity Required: No "structure" shall be erected, constructed, moved, "altered," rebuilt or enlarged, nor shall any land, water or "structure" be used, designed or arranged to be used for any purpose except in conformity with this Ordinance.
- 4.1.2 Minimum Requirements: In interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements necessary for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare.
- 4.1.3 Multiple Concurrent Applications: Notwithstanding any other provision of this Ordinance, where an application requires more than one concurrent "site plan" and/or special permit approval which would otherwise be within the jurisdiction of more than one approving agency, there shall be one approving agency for all such concurrent approvals, as set forth herein. The approving agency shall be the Common Council if it would have been the approving agency for any of the approvals. In all other circumstances, the approving agency shall be the Planning Board.

### 4.2 Relation to Other Regulations

- 4.2.1 Other Applicable Codes, Standards and Regulations: There are many other applicable codes, standards and regulations of the City of White Plains in addition to this Zoning Ordinance. These include the Requirements for Approval of Subdivision Plans, the Building Code, the Fire Prevention Code, the New York State Environmental Quality Review Act ("SEQRA") and rules and regulations promulgated thereunder, the Plumbing Code, the City Charter, the Ordinance Relating to the Erection and Maintenance of Outdoor Signs and Awnings, the Minimum Housing Standards Ordinance, the Ordinance Regulating and Prohibiting Unnecessary and Annoying Noises and Harmful Sounds, the Ordinance Licensing and Regulating Buildings Containing Rooming Units, the Air Pollution Control Ordinance, and the Ordinance to License and Regulate the Garaging of Auto Trucks or Light Delivery Cars in Residential Zones.
- 4.2.2 Conflicting Standards: This Ordinance shall not be deemed to affect in any manner whatsoever any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater or lesser restriction upon the "use" of "structures" or land, or upon the erection, construction, establishment, movement, "alteration" or enlargement of "structures" than are imposed by other ordinances, rules, regulations, licenses, certificates or other authorizations, or by easements, covenants or agreements, the more restrictive requirements shall prevail.

### 4.3 "Non-conforming Uses" and Other Non-conformities

- 4.3.1 Continuing Existing "Uses," "Buildings" and "Structures"
- 4.3.1.1 Except as otherwise provided herein, the lawfully permitted "use" of lands, "structures" or "buildings" and the lawfully permitted existence of "buildings" or

"structures" at the time of adoption of this Ordinance may be continued although such "use," "building" or "structure" does not conform to the standards specified in this Ordinance for the district in which such lands, "buildings" or "structures" are located. Similarly, whenever a zoning classification or the restrictions affecting property within a district shall be changed hereafter so as to render "non-conforming" a "use," "building" or "structure" then presently or theretofore legally existing, such "use," "building" or "structure" may nevertheless continue subject to the conditions set forth below.

Said "uses" shall be deemed "non-conforming uses" and said "buildings" and "structures" shall be deemed "dimensionally non-conforming."

4.3.1.2 Any "use" in existence as of the effective date of this Ordinance which is by this Ordinance made a special permit "use" in the district in which it is located shall be presumed to have a special permit to the extent such "use" is legally conforming as of the date immediately prior to the effective date of this Ordinance.

#### 4.3.2 "Non-conforming Use" of Land, "Buildings" or "Structures":

4.3.2.1 The "non-conforming use" of land may be continued, provided, however, that no such "non-conforming use" shall be physically enlarged or intensified, nor shall it be extended to occupy a greater area of land than that occupied by such "use" at the time of the adoption of this Ordinance, unless specifically allowed by other provisions in this Ordinance, nor shall any such "non-conforming use" be moved in whole or in part to any other portion of the "lot" or parcel of land occupied by such "non-conforming use" at the time of the adoption of this Ordinance.

4.3.2.2 A "building" or "structure" the "use" of which does not conform to the "use" regulations for the district in which it is situated shall not be enlarged, extended or "altered" structurally unless the "use" therein is changed to a conforming "use," or except to conform to an order of the Commissioner of Building to either correct an unsafe condition or to conform to the requirements of applicable laws or ordinances.

4.3.2.3 No "non-conforming use" of a "building" or "structure" shall be enlarged or extended, except that any such "non-conforming use" may be extended throughout any parts of the "building" or "structure" which were obviously or manifestly arranged or designed only for such "use" at the time of the adoption or amendment of this Ordinance.

4.3.2.4 No "non-conforming use" shall be changed to another "non-conforming use," except as provided in Section 4.3.5.

4.3.2.5 If a "non-conforming use" ceases for any reason for a total of 6 months during any 12 month period, or is changed to a conforming "use," any future "use" of the land, "building" or "structure" shall be in conformity with the provisions of this Ordinance. Substantial cessation of activities consistent with or required for the operation of such "non-conforming use" or substantial vacancy of the "building"

or "structure" in which the "non-conforming use" was conducted, together with substantial cessation of activities consistent with or required for the operation of such "non-conforming use" shall be deemed to constitute a discontinuance thereof within the meaning of this Ordinance, irrespective of whether an intention to abandon the "non-conforming use" may exist. On application, however, the Board of Appeals may extend the period upon a finding that it is not reasonable in its application to the particular premises, taking into consideration the characteristics of the "use," the investment which has been made in it, the circumstances of the discontinuance and the suitability of the "structure" for a permitted or special permit "use."

- 4.3.2.6 If any "building" or "structure" in which any "non-conforming use" is conducted or maintained is hereafter removed, the subsequent "use" of the land on which such "building" or "structure" was located and the subsequent "use" of any "building" or "structure" thereon shall be in conformity with the standards specified by this Ordinance for the district in which such land is located.
- 4.3.3 Dimensional Non-conformity: A "lot," "building" or "structure" that is conforming in "use" but does not conform to the "lot" dimension, "yard" dimension, "height," "building coverage," "floor area ratio," off-"street" parking, loading, or similar dimensional regulations of this Ordinance for the district in which such "lot," "building" or "structure" is located, shall be deemed to be "dimensionally non-conforming." No permit shall be issued that will result in the increase of any such dimensional "non-conformity, but any "building" or "structure" or portion thereof may be "altered" to decrease its dimensional non-conformity.
- 4.3.4 Reconstruction:
- 4.3.4.1 Should a "building" or "structure," the use of which or the "use" of a portion of which is "non-conforming," or which is "dimensionally non-conforming," be destroyed or damaged by any means to an extent of more than 75 percent of the replacement cost of the entire "building" or "structure" used in connection therewith at the time of the reconstruction, it shall not thereafter be reconstructed or used except in conformity with the provisions of this Ordinance.
- 4.3.4.2 Should a "building" or "structure," the "use" of which or the "use" of a portion of which is "non-conforming" or which is "dimensionally non-conforming," be destroyed or damaged by any means to an extent of 75 percent or less of the replacement cost of the entire "building" or "structure" used in connection therewith at the time of the reconstruction, it may be reconstructed and any accompanying "non-conforming use" or "use" which is "dimensionally non-conforming" continued, provided that the reconstruction is commenced within 1 year of the date of such damage and completed within 2 years of said date, and further provided that it shall be reconstructed in accordance with a plan approved by the Board of Appeals so as to result, where reasonable, in greater conformity with this Ordinance.
- 4.3.5 Change to Other "Non-conforming Use": On application, any "non-conforming use" of land, "buildings" or "structures" may be changed to another "non-conforming use" upon approval by the Board of Appeals, based on a finding that the proposed "non-conforming

use" is more appropriate to the district than the existing "non-conforming use." In permitting such change, the Board of Appeals may impose whatever conditions and safeguards it may deem necessary or appropriate to further the purposes of this Ordinance.

- 4.3.6 Improvement of "Non-conforming Uses": In order that "non-conforming uses" may gradually be brought into greater conformity with this Ordinance and the adverse external effects of such "non-conforming uses" may be reduced, the owner of the land, "building" or "structure" so used may be permitted to make limited changes to such "building," "structure" or "non-conforming use" in conjunction with a "site plan" whereby through landscaped screening and buffer areas, control of noise, smoke, odors, lighting, architectural changes, location and layout of "parking lots" and access drives, or by any other appropriate means, these purposes may be achieved. Such plan shall be presented to the Board of Appeals (to the Common Council where the minimum parking requirement of this Ordinance for the subject "non-conforming use" exceeds 50 spaces) which may then grant approval or approval with modifications provided said agency finds that the purposes of this Section shall be met.
- 4.3.7 Amortization of "Parking Lots" in Residence Districts: Notwithstanding the preceding provisions of this Section, any "parking lot" which is no longer a permitted "use" under the terms of this Ordinance shall cease and be discontinued by the third anniversary of the effective date of this Ordinance and any subsequent "use" of the premises on which it is located shall conform to the "use" regulations of the district in which such premises are located.
- 4.3.8 Applicability of Garaging of Auto Trucks or Light Delivery Cars: Except as otherwise specifically permitted, no auto truck or light delivery car shall be parked on property in any residential district except where a "private garage" accessory to a "dwelling" in a residential district has been authorized for such "use" for a particular vehicle duly licensed under an ordinance adopted May 2, 1977 and effective August 2, 1977, entitled An Ordinance to License and Regulate Garaging of Auto Trucks or Light Delivery Cars in Residential Zones. Such garage may continue to be used for the garaging of such vehicle licensed for "use" thereof as long as such vehicle continues to be licensed and so long as the ownership of the residentially zoned property to which the "private garage" is accessory remains unchanged. For the purposes of this Section, a change of title from one spouse to another or to a surviving spouse shall not be deemed a change in ownership.

#### **4.4 General Regulations**

- 4.4.1 "Lot" for Every "Building": Every "building" hereafter erected shall be located on a "lot" and there shall be no more than one "main building" and its "accessory buildings" on one "lot," except in "conservation developments" and except for multi-family and non-residential "buildings" in districts where such "uses" are permitted.
- 4.4.2 Subdivision of a "Lot": Where a "lot" is formed hereafter from part of a "lot" already occupied by a "building," such separation shall be effected in such manner as not to impair conformity with any of the requirements of this Ordinance with respect to the existing "building" and all "yards" and other required dimensional regulations in connection therewith, and no permit shall be issued for the erection of a "building" on the new "lot" thus created unless it complies with all the provisions of this Ordinance. Where the dimensions

of two existing "lots" are changed and no additional "lots" are created, such change shall not be deemed a subdivision provided that the dimensions of both resulting "lots" comply with the provisions of this Ordinance.

- 4.4.3 Irregularly Shaped "Lots": Where a question exists as to the proper application of any of the requirements of this Ordinance to a particular "lot" because of its peculiar or irregular shape, the Board of Appeals shall determine how the requirements of this Ordinance apply as provided in Section 10.3.6 of this Ordinance.
- 4.4.4 Obstructions to Vision at Intersections in Residential Districts: In accordance with the provisions of an ordinance entitled An Ordinance Regulating and Controlling Obstructions to Vision on the Corner Lots in Residence Districts in the City of White Plains, adopted August 4, 1980, nothing shall be placed or maintained within the restricted area of an intersection in a residential district in such a manner as to obstruct traffic visibility.
- 4.4.5 New "Buildings" on "Lots" Smaller Than Minimum Required Area or Dimensions: A permit may be issued for the erection of a "building" for a permitted "use" on a "lot" for which a valid conveyance has been recorded prior to the adoption of this Ordinance, notwithstanding that the area or dimensions of such "lot" are less than that required for the district in which such "lot" is located, provided that:
- 4.4.5.1 The "lot" met the zoning requirements at the time the deed to the "lot" was recorded or the title to the "lot" was conveyed;
  - 4.4.5.2 All "yard" setbacks and other "building" related requirements which are in effect at the time of the obtaining of the building permit are complied with;
  - 4.4.5.3 The ownership of such "lot" was not the same as any other "lot" or "lots" contiguous thereto at the time of the adoption of this Ordinance. If the opposite is the case, such other "lot" or "lots," or so much thereof as may be necessary, shall be combined with the first-named "lot" to make one or more conforming "lots," whereupon a permit may be issued, but only for such conforming "lots."
  - 4.4.5.4 Where the required area or dimensions of "lots" are changed by an amendment to this Ordinance, any "lot" legally in existence on that date and made non-conforming by such amendment may be built upon as provided in this Section.
- 4.4.6 "Yard" for Every "Building": Except on a "development site," no "yard," "court," or other open space provided about any "building" for the purpose of complying with the provisions of this Ordinance shall be included as any part of the "yard," "court" or open space for any other "building." Except on a "development site," no "yard," "court" or any other open space on one "lot" shall be considered as a "yard," "court" or open space for a "building" on any other "lot."
- 4.4.7 Use of "Yards": No "building," "accessory building" or "structure" shall be permitted within any minimum required "yard" except for "swimming pools" as regulated by Sections 4.4.24 and 6.7.3, and except as may be specifically permitted in Section 5.3. No parking shall be permitted within any "yard" except as provided in Section 8.

- 4.4.8 No Reduction of Required "Yards": No "lot" shall be so reduced in area as to make any "yard" or "court" smaller than the minimum required under this Ordinance.
- 4.4.9 "Front" and "Side Yards" on "Corner Lots": The owner of a "corner lot" in a residence district may elect either "yard" fronting on a "street" as the "front yard," with any other "yard" fronting on a "street" then becoming a "side yard." However, where the majority of "lots" in any block are developed, the "front yard" shall be on the same side as the "front yards" of such other "lots." Also, if on the "street" chosen for the "side yard," the approving agency or the Commissioner of Building for a "one family" or "two family dwelling" and its permitted "accessory buildings," accessory "structures" and "accessory uses" finds that there is an average setback of existing "buildings," from which no "building" departs too greatly, the agency or Commissioner may require the "side yard" on such "corner lot" to be equal in depth to such average setback.
- 4.4.10 "Side Yards" of Existing "Lots" Narrower Than 50 Feet: For each 1 foot by which a "lot" in a residential district is narrower than 50 feet, 1.5 inches may be deducted from the required minimum width of any "side yard" and 3 inches from the sum of the required widths of both "side yards" for "buildings" not exceeding 2 ½ "stories," provided, however, that no "side yard" shall be narrower at any point than 5 feet in any case.
- 4.4.11 "Rear Yards" of Existing "Lots" Shallower Than 100 Feet: For each 1 foot by which a "lot" in a residence district is less than 100 feet deep, 3 inches may be deducted from the required minimum depth of the "rear yard," provided, however, that no required "rear yard" shall be less than 15 feet deep in any case.
- 4.4.12 Special "Building" Setbacks: All requirements of this Ordinance applicable to "front yards" shall apply within a special "building" setback. In addition, no "building" or "structure" may be located therein (either below or above ground), no projecting horizontal architectural features shall be allowed therein (Section 4.4.14.2 to the contrary notwithstanding), nor shall any "parking lot" be located therein (Section 8.6.1 to the contrary notwithstanding), except in the Central Parking Area as may be determined by the "site plan" approving agency to be consistent with the anticipated and desired "uses" and purposes of any such special "building" setback and approved by the approving agency as part of the "site plan." In cases where the "front yard" requirements in Column 9 of Section 5.3 of this Ordinance, Schedule of Dimensional Regulations, are greater than the special "building" setback, the requirements of Section 5.3 shall apply.
- 4.4.13 "Courts": Any corner of a "court" area may be cut off between walls of the same "building," provided that the length of such diagonal cutoff wall does not exceed 6 feet.
- 4.4.14 Structural Projections Permitted into Required "Yards" and "Courts":
- 4.4.14.1 Limited walls and fences may be allowed in required "yards" and "courts," subject to the requirements of Section 4.4.16.
- 4.4.14.2 The ordinary projections of window sills, belt courses, chimneys, cornices, and eaves and other similar architectural features are allowed, provided that such architectural features shall not project more than 3 feet into any required "yard" and not be less than 5 feet from any "lot line," except for eaves which may be 4

feet from a "lot line."

- 4.4.14.3 A "deck," "terrace," or steps, the top surface of which is not over 3 feet high above the average natural "grade" of the "lot" and which is not over 3 feet above the pre-existing "grade" directly below any such "deck" and which is distant at least 5 feet from every "lot line," may project into a required "yard." In residential districts such projections shall be at least 15 feet from any "front lot line" or "rear lot line." Any projecting "structures," including steps and "decks," shall be included in computing "gross land coverage."
  - 4.4.14.4 No other porch may project into any required "yard."
  - 4.4.14.5 Balconies may project into a required "yard," provided such projection is not more than 5 feet, extends no closer than 10 feet to any "lot line," and the sum of the length of such balconies on any "story" does not exceed one-fourth the length of the wall from which they project.
- 4.4.15 Exceptions to "Height" Limitations: The "height" limitations of this Ordinance shall not apply to the following:
- 4.4.15.1 Churches, schools and "uses" of the City of White Plains in residence districts provided that for each 1 foot by which the "height" of such "building" exceeds the maximum "height" permitted in the district, the "side," "front" and "rear yards" required shall be increased an additional 1 foot.
  - 4.4.15.2 Church spires, belfries, cupolas, domes, monuments, observation towers, chimneys, smoke stacks, derricks, flag poles, radio towers, masts and aerials, where not used for human occupancy.
  - 4.4.15.3 Rooftop bulkheads, elevator penthouses, water towers, water tanks, monitors, fire towers, hose towers, or cooling towers, and such other equipment as is deemed necessary by the Commissioner of Building, provided that such mechanical equipment shall be erected only to the height necessary to accomplish the purpose it is intended to serve. The maximum area covered by such mechanical equipment shall be as determined necessary and appropriate by the approving agency on recommendation from the Commissioner of Building, and where the "lot" on which such mechanical equipment is located is in or adjacent to a residence district such mechanical equipment shall be set back from the edge of the roof at least 1 foot for each 1 foot by which such features exceed the maximum "height" otherwise specified for the district in which they are located.
  - 4.4.15.4 Parapet walls or cornices which do not exceed the maximum "height" requirement for the district in which they are located by more than 4 feet.
  - 4.4.15.5 Solar energy systems installed pursuant to the requirements of Section 4.4.21 of this Ordinance, provided that such systems shall be erected only to the height necessary to accomplish the purpose they are intended to serve.

- 4.4.15.6 The visual screening of mechanical equipment located above the horizontal area of the roof of “buildings” as required under Section 4.4.22 of this Ordinance.
- 4.4.15.7 For “buildings” located in the CB-4 and UR-4 Districts within the Central Parking Area, on development sites over 200,000 square feet and at the absolute discretion of the Common Council as “site plan” approving agency, “uses” ancillary or accessory to permitted principal “uses” in the “building,” other than dwelling units, hotel rooms, or facilities providing sleeping accommodations may be located above the maximum “height” of the “building” within an area enclosed by the visual screening of the mechanical equipment, as approved pursuant to Section 4.4.22, but in no case shall the area occupied by any “use” be greater than 80% of the horizontal area of any mechanical level on which such use is located.
- 4.4.15.8 In the UR-4 and CB-4 districts within the Central Parking Area, on development sites of 200,000 square feet or greater, an increase in “height” resulting from a modification, “alteration,” adjustment or change to an approved “site plan” which does not exceed any of the following thresholds as shown and approved on the approved “site plan”:

4.4.15.8.1 There is no increase in the number of “stories.”

4.4.15.8.2 There is no increase in the “gross floor area.”

4.4.15.8.3 There is no increase in the overall “height” of the “building” to the top of the approved visual screening of the mechanical equipment.

4.4.15.8.4 There is no significant “alteration” of the essential characteristics of the design of any “buildings” or of the relationship of the project to the “street,” adjacent properties and the area in general.

- 4.4.15.9 "Multi-family dwelling", "Hotel" and "Extended Stay Hotel" Uses in the LI-M District

In the LI-M district, the maximum permitted height of buildings for "Multi-family dwelling", " hotel" and " extended stay hotel" uses may be six (6) stories and 85 feet and limited to properties that lie between Westmoreland Avenue and the MetroNorth Railroad.

- 4.4.16 Fences: Fences and walls, including retaining walls, are permitted within required "yards" and "courts" provided that:

- 4.4.16.1 Such fences or walls do not exceed 4 feet in height if located in a required "front yard" or in any other required "yard" abutting a "street," and 6 feet in height in any other required "yard," except that a fence of not less than three-fourths open construction may have a maximum height of 8 feet where located in a non-residential district, and except that the Commissioner of Building may, where required for safety, require the addition to a retaining wall of a motor vehicle bumper guard or a fence, of not less than three-fourths open

construction and not exceeding the above height limitations by more than 4 feet. A fence or wall not exceeding 8 feet in height shall be permitted for purposes of sound attenuation within a required "side yard" or "rear yard" which "yard" immediately abuts the following limited access roadways: I-287, the Bronx River Parkway, the Hutchinson River Parkway, and the Central Westchester Parkway or access ramps leading thereto, conditioned that both sides of the fence or wall be equally finished.

- 4.4.16.2 The fence or wall meets the requirements of Section 4.4.4 of this Ordinance.
- 4.4.16.3 If any such fence or wall located within a required "yard" has a finished or more attractive side, such side shall face the neighboring property or "street."
- 4.4.16.4 All fences or walls must be inside all "lot lines."
- 4.4.16.5 Electrically charged fences, barbed wire fences and other fences constructed of sharp materials are not permitted within residential districts. Barbed wire is permitted as a part of a fence in a non-residential district provided such barbed wire is located at least 6 feet above the ground.

#### 4.4.17 Security Grilles:

- 4.4.17.1 Roll-up, folding or sliding doors or grilles of non-combustible construction, otherwise known as security grilles, may be attached to the exterior of "buildings" in the LI (Light Industrial) district, and may project from the "building" beyond the "lot line," provided:
  - 4.4.17.1.1 Such security grilles may project no more than 4 inches beyond the "lot line." An enclosure, motor or housing for said security grille may project up to 18 inches beyond the "lot line" provided that there is at least 8 feet of clearance between the lowest point of such projection and the ground or pavement below.
  - 4.4.17.1.2 All security grilles and accompanying enclosures, motors and housings shall be constructed so that they may be removed at any time without endangering the structural safety or fire safety of the "building."
  - 4.4.17.1.3 All security grilles shall be of one hundred percent open construction throughout, and must be located within a completely enclosed structure when not in use.
  - 4.4.17.1.4 All security grilles are subject to review and approval by the Design Review Board.
- 4.4.17.2 As of the date of adoption of this Ordinance, roll-up, folding or sliding doors or grilles of non-combustible construction, otherwise known as security grilles, may not be installed on the exterior of any "building" within non-residential districts, but may be installed within the interior of such "buildings," subject to the following:

- 4.4.17.2.1 All security grilles shall be of one hundred percent (100%) open construction (open mesh design) throughout.
- 4.4.17.2.2 In lieu of the above, other similar security grates or devices may be installed within the interior of "buildings," subject to review and approval of the Commissioner of Public Safety and the Design Review Board.
- 4.4.17.2.3 All security grilles in existence on August 6, 1984, which are not of one hundred percent (100%) open design (such as security grilles made up, in whole or part, of solid panels) shall be removed, and such use shall be discontinued on or before August 6, 1985.
- 4.4.17.2.4 All security grilles in existence as of the date of the adoption of this Ordinance which are attached to the exterior of "buildings," except in the LI district, shall be removed at the time of any change in "use."
- 4.4.17.2.5 No security grille or similar device shall be installed unless a permit is obtained from the Department of Building, following review and approval by the Design Review Board.

#### 4.4.18 Outdoor Storage:

- 4.4.18.1 Except where otherwise specifically permitted by this Ordinance or by any other ordinance or regulation of the City of White Plains, no outdoor storage of any kind nor outdoor display of goods for sale shall be permitted in any district.
- 4.4.18.2 No boat 18 feet or more in length may be stored or parked in any district. No "mobile home," "motor home," "travel trailer" or "pick-up coach" may be stored or parked in any district except that temporary use of such devices for offices is permitted for highway or municipal construction projects or for construction projects for which a building permit has been issued.
- 4.4.18.3 "Camper trailers" or boats less than 18 feet in length may not be parked nor stored outdoors. They may, however, be store or parked within a completely enclosed "building," conditioned that the doors to such "building" shall be kept closed when such boat or "camper trailer" is parked or stored therein.

#### 4.4.19 Landscaping, Screening and Buffer Areas:

- 4.4.19.1 All portions of "lots" and "development sites" subject to special permit review under Section 6 of this Ordinance or "site plan" review under Section 7 of this Ordinance which are not used for locations for "buildings," "structures," "parking lots," "loading spaces," "sidewalks or similar purposes, shall be suitably landscaped and permanently maintained with planting of ground cover, grass, trees and shrubbery, in accordance with specifications approved as a part of the "site plan."
- 4.4.19.2 Any application to construct or "alter" any "building" or "structure" or to establish any "use" in any non-residential district or any non-residential "use" in any

district shall include provisions for a buffer screening area at least 10 feet in width along any "lot line" abutting a "lot" in a residential district. Any application to construct a development of "multi-family dwellings" requiring more than 10 "parking spaces" shall include provisions for a buffer screening area at least 10 feet in width along any "lot line" abutting a privately owned "lot" in a one-family or two-family residential district. These requirements may be waived by the approving agency in situations where it determines that adjoining land "uses," topographic features or existing vegetation satisfy the same purpose. The approving agency may allow the substitution of a wall or fence of location, height, design and materials approved by it, and meeting the requirements of Section 4.4.14, for part or all of the required planting. Where such a buffer screening area is required, it shall be of evergreen planting of such type, height, spacing and arrangement as in the judgment of the approving authority will screen the activity involved from the neighboring residential area. Non-evergreen planting may seasonally supplement evergreen planting but not take its place. The plan and specifications for such planting shall be filed with the "site plan" approved by the approving agency for the "use" of the "lot" or "development site."

- 4.4.19.3 All required landscaping shall be properly trimmed and maintained in good condition at all times.
- 4.4.19.4 In the RM-1 District, a minimum of 20 percent of the area of "lots" subject to special permit review under Section 6 of this Ordinance or "site plan" review under Section 7 of this Ordinance shall be suitably landscaped and permanently maintained with planting of ground cover, grass, trees, and shrubbery, in accordance with specifications approved as part of the "site plan" approval.
- 4.4.19.5 In the RM-1.5 and RM-2.5 Districts, a minimum of 25 percent of the area of "lots" subject to special permit review under Section 6 of this Ordinance or "site plan" review under Section 7 of this Ordinance shall be suitably landscaped and permanently maintained with planting of ground cover, grass, trees and shrubbery, in accordance with the specifications approved as part of the "site plan" approval.
- 4.4.19.6 In a "Planned Campus Development in a Planned Campus Development District, landscaping shall be subject to the approval of the approving agency as part of the integrated "site plan."
- 4.4.20 Exterior Lighting: All exterior lighting accessory to multi-family or non-residential "uses," and all exterior lighting of "recreation facilities" accessory to residential "uses," including the lighting of signs, shall be of such type and location and have such shading as will prevent the source of light from being seen from any adjoining "streets" and residential properties and which will prevent objectionable glare observable from such "streets" or properties.
- 4.4.21 Solar Access and Energy Considerations:
  - 4.4.21.1 Solar energy systems, which are devices used to capture the sun's radiation and transform it into usable heat or electricity, are permitted as a part of, and may be

attached to, any "building."

- 4.4.21.2 Except as otherwise provided by this section, installation of solar energy systems shall be subject to approval by the Design Review Board which shall, in its review pursuant to the requirements of Section 9 of this Ordinance, take into account the needs of energy conservation. Installation of solar energy systems for one or two family structures which do not require a variance, have a rated capacity of 12 kW or less, where the system is to be mounted parallel to the roof surface, or tilted with no more than an eighteen (18) inch gap between the module frame and the roof surface, shall not require approval by the Design Review Board.
  - 4.4.21.3 Access to sunlight for present and potential solar energy systems, both on and off site, as well as "building" siting, orientation and landscaping, shall be considered by all approving agencies as a part of their review of any application.
  - 4.4.21.4 New construction on any "lot" which would block access to sunlight between the hours of 9:00 a.m. and 3:00 p.m. Eastern Standard Time for existing approved solar energy systems or for solar energy systems for which a permit has been issued is prohibited except by permission from the Board of Appeals on a showing that other arrangements are infeasible or impractical, or that the degree of blocking is negligible.
- 4.4.22 Mechanical Equipment to be Screened: Mechanical equipment located on and above the tops of "buildings" shall be visually screened in a manner approved by the agency approving the "site plan" on recommendation of the Design Review Board.
- 4.4.22.1 For "buildings" located in the CB-4 and UR-4 Districts within the Central Parking Area on development sites of 200,000 square feet or greater, the following shall also apply:
    - 4.4.22.1.1 The visual screening of the mechanical equipment shall enclose "uses" approved pursuant to Section 4.4.15.7 hereof.
    - 4.4.22.2 The approving agency for the visual screening of mechanical equipment shall be the Common Council.
- 4.4.23 Accessory "Dish Antenna": "Dish antennas" shall not be located, installed, constructed or maintained on any "lot," "building" or "structure" except when in compliance with all of the following requirements and any of the individual standards contained in Section 6.7.21, where applicable.
- 4.4.23.1 Location: All "dish antennas" shall conform to the following requirements:
    - 4.4.23.1.1 A "dish antenna" shall not be located in any portion of a "front yard" and shall be no closer to any "lot line" than the minimum distance established for accessory "structures" for the district. It may be excluded from "side yards" if it is determined to be substantially visible from a "street."

- 4.4.23.1.2 A "dish antenna" shall not be mounted on a roof or attached to a "building" or "structure" in any one or two family residential district, except if the applicant complies with the criteria set forth in Section 6.7.21.2.
- 4.4.23.2 Size: The dish component of a "dish antenna" shall not be greater than 10 feet in diameter, nor greater than 10 feet in depth at its greatest point.
- 4.4.23.3 Height: A "dish antenna" mounted on the ground shall not exceed 15 feet in height above the mean ground level. A "dish antenna" mounted on a "building" or roof shall not exceed 12 feet in height, nor shall any "dish antenna" project above the peak or highest point of the roof line in one and two family residential districts. The height of a "dish antenna" shall be measured from the bottom of its base or pad to the highest point of the "dish antenna" when in its most vertical position.
- 4.4.23.4 Materials: All "dish antennas" shall be of mesh-type open design, and the construction of the device shall not be brightly colored, reflective or otherwise obtrusive. It shall be properly colored to conform to the surrounding areas and "buildings."
- 4.4.23.5 Screening: All "dish antennas" shall be reasonably located and screened to minimize visibility from "streets" and the surrounding properties by using fencing, earth berms, landscaping and or architectural features.
- 4.4.23.6 Other Requirements: All "dish antennas" shall conform to the following additional requirements:
- 4.4.23.6.1 No more than one "dish antenna" shall be located on any "building," "structure" or "lot" in any residential district or within 25 feet of any residential district line or residential "use" in non-residential districts.
- 4.4.23.6.2 A "dish antenna" shall be designed for the exclusive use of residents of the "main building" in one and two family residential districts.
- 4.4.23.6.3 A "dish antenna" shall be located so as to minimize motor or other noises to the street, sidewalk or nearby properties.
- 4.4.23.6.4 All "dish antennas" shall be designed, constructed and installed in conformance with all building, electrical, fire prevention, noise and other applicable codes and the Tree Preservation Guidelines adopted by the City of White Plains, as well as any other construction or performance standards, rules and regulations of any governmental entity having jurisdiction over such devices, including, without limitation, the Federal Communications Commission (FCC).
- 4.4.23.7 Application Requirements: All "dish antennas" shall conform to the following application requirements:

4.4.23.7.1 A special permit shall be required for any "dish antenna" which has a dish component in excess of 4 feet in diameter or 4 feet in width, is located outside of the "rear yard," is mounted on any roof, "building" or "structure," or does not conform to all the requirements set forth in Section 4.4.23 as determined by the Commissioner of Building.

4.4.23.7.2 A building permit may be issued for any "dish antenna" which is up to 10 feet in any dimension, is located outside of the "rear yard," is mounted on any roof, "building" or "structure," is of solid design and light or reflective color, when it is installed on a "building" or "structure" located in a C-O, O-R, B-3, CB-1, CB-2, CB-3, CB-4, B-6 or LI district, and the "dish antenna" is no closer than 100 feet from any "dwelling unit" or 25 feet from any residential district.

4.4.23.7.3 No building permit for the installation of any "dish antenna" shall be issued or application deemed complete until a detailed design has been submitted to the Department of Building showing and justifying the location, elevations, the maximum swing of the operating arc and screening. The Commissioner of Building may request additional data if deemed necessary.

4.4.23.7.4 All applications for a "dish antenna" shall be forwarded to the Design Review Board for review and report.

4.4.24 Accessory "Swimming Pools": "Swimming pools" shall not be located, installed, constructed or maintained on any "lot" except when in compliance with all of the following requirements and any of the individual standards contained in Section 6.7.3 of this Ordinance, where applicable.

4.4.24.1 "Swimming pools" installed above ground shall have a height no greater than 60 inches as measured from the mean ground level at the base of the pool to the rim of the pool. The exposed sides of such "swimming pool" shall be screened by evergreen landscaping whose height at the time of installation shall be at least equal to the height of the exposed portion of the "swimming pool," exclusive of "deck" rails. Such landscaping shall be no more than 5 feet away from the pool base and shall extend a minimum of 2 feet beyond the outer edge of any projecting "deck." Such "swimming pools" shall have adequate fencing, a minimum of 6 feet in height, with a self-closing and self-latching and locking gate (integral "deck" rails and hinged lockable ladders shall be a sufficient substitute for fencing). The fencing shall surround the pool and accessory equipment only.

4.4.24.2 "Swimming pools" installed in the ground, where the rim of the pool is flush with the ground or with an on-ground "terrace," shall be required to have adequate fencing with a self-closing and self-latching and locking gate into the pool area and an evergreen screen which shall have a minimum height of 3 feet and shall be planted 3 to 4 feet on center around the "swimming pool" or property as specified by the Commissioner of Building. Fencing around "swimming pools" should be a minimum of 6 feet in height and of either metal or factory

pressure-treated wood with preservatives. All posts, regardless of material, shall be embedded in concrete.

- 4.4.24.3 All "swimming pools" as measured from the edge of the "deck" area, or from the pool rim if no "deck" is provided, shall be located no less than 15 feet from all "lot lines."
- 4.4.24.4 All "swimming pools" shall be for the exclusive use of the occupant of the "main building" and his non-paying guests.
- 4.4.24.5 The applicant shall demonstrate to the satisfaction of the Commissioner of Building that the proposed "swimming pool" will comply with the Plumbing Code for all sewerage and sanitary facilities, and with the specifications of the Westchester County Board of Health for maintenance and operation.
- 4.4.24.6 The times of filling and emptying the "swimming pool," and pipe sizes to be used for such purposes, shall be specified in the permit, on recommendation of the Commissioner of Public Works.
- 4.4.24.7 All "swimming pool" fences shall be located not more than 25 feet from the edge of the "swimming pool."
- 4.4.24.8 The filter pump and electrical switch shall be in a locked enclosure at a location where noise will not emanate beyond the perimeter of the property, as determined by the Commissioner of Building. If applicable, the Commissioner of Building shall establish hours of operation.
- 4.4.24.9 Where the construction of a lake or pond, which otherwise meets the definition of "swimming pool," is reviewed as a part of a subdivision, "site plan" or special permit application, that review shall suffice and a separate permit under this Section need not be obtained.

#### 4.4.25 "Environmentally Sensitive Sites and Features"

- 4.4.25.1 Any proposed action under this Ordinance which action is on, involves, or may affect an "environmentally sensitive site or feature" defined and meeting the thresholds established in Chapter 3.5 of the Municipal Code shall be subject to the requirements of Section 4.4.25 of this Ordinance, except as otherwise provided herein.
- 4.4.25.2 In reviewing applications and granting any approvals under Section 4.4.25 of this Ordinance, the approving agency shall, to the maximum extent practicable, avoid adverse environmental impacts upon any "environmentally sensitive sites or features" and where such avoidance is not practicable, shall minimize and mitigate such impacts.
- 4.4.25.3 On an "environmentally sensitive site", where a certificate of use or occupancy has been issued or for which an approval under this Ordinance has been granted and remains in full force and effect, Section 4.4.25 of this Ordinance shall not apply to the conduct of normal land maintenance and conservation

measures or to the general maintenance and repair of improvements, including "buildings," "structures", parking, roads, and driveways except that these activities may be subject to regulation under Section 3-5-4(1) of the Municipal Code.

- 4.4.25.4 Procedures: When reviewing an action which is on, involves or may affect an "environmentally sensitive site or feature," the approving agency for the proposed action shall follow the procedures set forth herein below:
- 4.4.25.4.1 Any proposed action requiring approval under Section 4.4.25 of this Ordinance shall be considered a Type I Action under the New York State Environmental Quality Review Act ("SEQRA").
- 4.4.25.4.2 For any proposed action requiring approval under Section 4.4.25 of this Ordinance, the affirmative vote of two-thirds or more of the members of the approving agency shall be required.
- 4.4.25.4.3 Notwithstanding provisions of this Ordinance to the contrary, and in addition to specific regulations pertaining to the approval of actions on, involving or which may affect an "environmentally sensitive site or feature," no such approval shall be given except following a public hearing held on due notice, provided, however, that no such hearing shall be required for minor amendments to "conservation developments" as set forth in Section 5.7 of this Ordinance, and minor amendments to "site plans" as set forth in Section 7.7.1 of this Ordinance.
- 4.4.25.4.4 Notwithstanding the minimum acreage specifications in Section 5.7.2.2, the Planning Board may apply the provisions of Section 5.7, "Conservation Developments" to such extent as may be necessary to preserve and/or protect "environmentally sensitive sites or features."
- 4.4.25.4.5 In considering for approval an application for a subdivision, special permit or "site plan" involving an "environmentally sensitive site or feature," the approving agency may make any reasonable changes to the minimum dimensions for "frontage," one "side yard" and two "side yards," "front yard" and "rear yard" as may be required to avoid or minimize impact upon such "environmentally sensitive site or feature." In the event the approving agency makes such change, it shall require the applicant to submit a plat or "site plan" which reflects such change.
- 4.4.25.5 Individual Standards for "Environmentally Sensitive Features": The following standards and protection measures shall be applied with respect to individual "environmentally sensitive features" to avoid adverse environmental impacts, or, where avoidance is not practicable, to minimize and mitigate such impacts:
- 4.4.25.5.1 For a wetland or an aquifer recharge area existing in its natural state, to the maximum extent practicable, the following shall apply:

4.4.25.5.1.1 Where located on sites of three acres or less, or on sites greater than three acres not governed by Section 4.4.25.5.1.2 of this Ordinance, the preservation in its natural state of the wetland or aquifer recharge area, and the establishment and preservation of a 50 foot “protective buffer area” surrounding the wetland or aquifer recharge area;

4.4.25.5.1.2 Where located in an R1-12.5, R1-20 or R1-30 Residential Zoning District on a site greater than 3 acres, the preservation in its natural state of a wetland or aquifer recharge area, and the establishment and preservation in its natural state of a 50 foot “protective buffer area” surrounding the wetland or aquifer recharge area, and the further establishment and preservation of either an additional 50 foot “protective buffer area” or an additional 50 foot “restrictive buffer area,” as determined appropriate by the approving agency consistent with the objective of Section 4.4.25 of this Ordinance to protect “environmentally sensitive sites and features” to the maximum extent practicable.

4.4.25.5.2 For a wetland or an aquifer recharge area which has been altered from its natural state, to the maximum extent practicable, the following shall apply:

4.4.25.5.2.1 Where located on sites of three acres or less, or on sites greater than three acres not governed by Section 4.4.25.5.2.2, the wetland or aquifer recharge area shall, at minimum, be maintained in its existing condition and either a 50 foot “protective buffer area” or a 50 foot “restrictive buffer area,” shall be established and maintained surrounding the wetland or aquifer recharge area, as determined appropriate by the approving agency consistent with the objective of protecting the “environmentally sensitive site and features” to the maximum extent practicable.

4.4.25.5.2.2 Where located in an R1-12.5, R1-20 or R1-30 Residential Zoning District on a site greater than 3 acres, the wetland or aquifer recharge area shall, at minimum, be maintained in its existing condition and either a 50 foot “protective buffer area” or a 50 foot “restrictive buffer area”, shall be established and maintained surrounding the wetland or aquifer recharge area, as determined appropriate by the approving agency consistent with the objective of

protecting the “environmentally sensitive site and features” to the maximum extent practicable, and a further 50 foot “protective buffer area” or “restrictive buffer area” shall be established and maintained around either the “protective buffer area” or “restrictive buffer area” established around the wetland or aquifer recharge area, as further determined appropriate by the approving agency consistent with the objective of protecting the “environmentally sensitive site and features” to the maximum extent practicable.

4.4.25.5.3 For a water resource in its natural state, to the maximum extent practicable, the following shall apply:

4.4.25.5.3.1 Where located on sites of three acres or less, or on sites greater than three acres not governed by 4.4.25.5.3.2, the preservation in its natural state of the water resource and the establishment and preservation of a 25 foot “protective buffer area” on all sides of the water resource.

4.4.25.5.3.2 Where located in an R1-12.5, R1-20 or R1-30 Residential Zoning District on a site greater than 3 acres, the preservation in its natural state of the water resource, and the establishment and preservation in its natural state of a 50 foot “protective buffer area” on all sides of the water resource, and the further establishment and preservation of either an additional 50 foot “protective buffer area” or an additional 50 foot “restrictive buffer area,” as determined appropriate by the approving agency consistent with the objective of Section 4.4.25 of this Ordinance to protect “environmentally sensitive sites and features” to the maximum extent practicable.

4.4.25.5.4 For a water resource which has been altered from its natural state, to the maximum extent practicable, the following shall apply:

4.4.25.5.4.1 Where located on sites of three acres or less, or on sites greater than three acres not governed by 4.4.25.5.4.2, the water resource shall, at minimum, be maintained in its existing condition and either a 25 foot “protective buffer area” or a 25 foot “restrictive buffer area,” shall be established and maintained on all sides of the water resource as determined appropriate by the approving agency consistent with the objective of protecting the “environmentally sensitive site and features” to the maximum extent practicable.

4.4.25.5.4.2 Where located in an R1-12.5, R1-20 or R1-30 Residential Zoning District on a site greater than 3 acres, the water resource shall, at minimum, be maintained in its existing condition and either a 50 foot “protective buffer area” or a 50 foot “restrictive buffer area,” shall be established and maintained on all sides of the water resource, as determined appropriate by the approving agency consistent with the objective of protecting the “environmentally sensitive site and features” to the maximum extent practicable, and a further 50 foot “protective buffer area” or “restrictive buffer area” shall be established and maintained around either the “protective buffer area” or “restrictive buffer area” established around water resource, as further determined appropriate by the approving agency consistent with the objective of protecting the “environmentally sensitive site and features” to the maximum extent practicable.

4.4.25.5.4.3 Piping of a water resource shall be avoided except for crossings of roads and driveways.

4.4.25.5.5 For a rock outcropping or steep slope area, to the maximum extent practicable, the following avoidance, minimization and mitigation measures shall apply, as determined appropriate by the approving agency:

4.4.25.5.5.1 Avoid impacts or minimize and mitigate the degree to which the proposed development of the area creates an unnatural shape to the slopes on the site;

4.4.25.5.5.2 Avoid impacts or minimize and mitigate the degree to which the proposed development of the site would impact rock outcroppings and steep slopes, through terracing, landscaping, retaining walls or otherwise;

4.4.25.5.5.3 Avoid impacts or minimize and mitigate the degree to which the proposed development of the site would impact the views of the steep slope and surrounding areas;

4.4.25.5.5.4 Avoid impacts or minimize and mitigate the degree to which the proposed development would impact erosion and the stability of the steep slope, both during and after construction.

4.4.26 "Consumer Financial Services Establishment":

4.4.26.1 An applicant for a building permit as a "Consumer Financial Services

Establishment" shall provide documentation satisfactory to the Commissioner of Building demonstrating that the proposed establishment meets the following criteria:

4.4.26.1.1 The establishment predominantly serves individual purchasers or clients on a walk-in basis, and that services by telephone or other electronic media, and services to commercial and/or institutional clients are not significant proportions of the establishment's intended business.

4.4.26.1.2 The establishment is not a bank. Indicia of a banking establishment include, but are not limited to, a charter issued by state or federal banking authorities and insurance on clients' deposits by the FDIC or other federal deposit insurance mechanisms, and physical characteristics including service counters, teller stations, automated teller machines, and the like.

4.4.26.2 An establishment not qualifying as a "consumer financial services establishment" shall be classified as a business or professional office or a bank, as determined by the Commissioner of Building.

#### 4.4.27 Incidental Seating in Food-selling Establishments:

4.4.27.1 Except as provided in Section 4.4.27.3 below, tables and seating may be placed for the use and convenience of customers in establishments which sell prepared foods, snacks and/or beverages for off-premises consumption.

4.4.27.2 In any establishment described in Section 4.4.27.1, no more than three tables and/or seats for no more than six "persons" may be installed or provided unless the establishments is approved as a "restaurant," "cafeteria" or "fast food eating establishment."

4.4.27.3 In the event that any establishment would qualify as a "fast food eating establishment" by the addition of seating as permitted under Section 4.4.27.1 above, no such seating shall be installed or provided unless the establishment is approved as a "fast food eating establishment."

4.4.27.4 The installation or provision of incidental seating in accordance with this Section 4.4.27 shall not qualify an establishment as a "restaurant," "cafeteria" or "fast food eating establishment."

#### 4.4.28 "Mini-storage facility":

4.4.28.1 For a "mini-storage facility" abutting a residential district:

4.4.28.1.1 The "building" or enclosed "structure" wall of a "mini-storage facility," the location, "height," design and materials of which are approved by the approving agency, shall be deemed to be a wall under Section 4.4.19.2 of this Ordinance.

4.4.28.1.2 To mitigate visual and noise impacts to residences in the abutting residential district, the approving agency may require that the “mini-storage facility use” be located in one “building” or enclosed “structure” and may permit the “coverage” of a “mini-storage facility” to be increased from 80% up to a maximum of 90%, and to permit the “floor area ratio” to be increased from 2.0 up to a maximum of 2.2.

4.4.28.2 There shall be no open air storage of any kind permitted at a “mini-storage facility.”

4.4.28.3 Individual self-service storage units in a “mini-storage facility” shall not exceed 400 square feet in area.



## SECTION 5 - DISTRICTS

### **Explanation of Schedule of “Use” Regulations, List of “Use” Regulations and Schedule of Dimensional Regulations**

The accompanying Schedule of “Use” Regulations, List of “Use” Regulations and Schedule of Dimensional Regulations (Sections 5.1, 5.2 and 5.3) list and define the permitted "uses" of land, "buildings" and "structures," and the minimum and maximum dimensional requirements to be met in connection with such "uses." "Uses" are set forth in both the Schedule of “Use” Regulations and the List of “Use” Regulations. In the Schedule, "uses" are listed only once, and it is indicated in which districts and in what manner each is permitted. On the List, each district is listed only once, and it is indicated what "uses" are permitted and in what manner they are permitted for that district. Thus the Schedule is useful to determine where a given "use" may be permitted, while the List is useful to determine what "uses" may be permitted in a given district. In case of conflict between the Schedule and the List, the Schedule shall govern. Any "use" not specifically listed as being permitted shall be deemed to be prohibited. More than one Permitted Principal "Use" is permitted on a "lot" in a non-residential district.

5.1 Schedule of Use Regulations

ZONING DISTRICTS																														
"USES"	R1-30	R1-20	R1-12.5	R1-7.5	R1-5	R2-4	R2-2.5	RM-2.5	RM-2	RM-1.5	RM-1.5T	RM-1	RM-0.7	RM-0.4	RM-0.35	C-O and PCD	O-R	B-1	B-2	B-3	BR-1	BR-2	CB-1	CB-2	CB-3	CB-4	UR-4	B-6	LI-M	LI
<b>RESIDENTIAL</b>																														
"One family dwelling"	PP	PP	PP	PP	PP	PP	PP	PP		PP	PP	PP	PP		PP															
"Conservation development"	SEE SECTION 5.7																													
"Two family dwelling"						PP	PP	PP		PP	PP	PP	PP		PP		PP													
"Multi-family dwellings"								PP	PP	PP	PP	PP	PP	PP	PP		PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP		SP	
The keeping of not more than two "roomers" per "dwelling unit"	PA	PA	PA	PA	PA																									
The keeping of not more than one "roomer" per "dwelling unit" in a "one family" or "two family dwelling"						PA		PA		PA		PA	PA		PA															
"Multi-family dwellings" in a "Planned Campus Development" as regulated by Section 5.9																PP														
"Planned Senior Residential Development" SEE SECTION 5.8																														
The keeping of "household pets"	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA		
The keeping of "household pets" in a "Planned Campus Development" as regulated by Section 5.9																PA														
Accessory servants quarters	SP	SP	SP	SP																										
"Minor accessory buildings"	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA		PA		PA													
<b>RECREATION</b>																														
Customary indoor or outdoor athletic facilities such as playfields or stadia as accessory to a "private "school," "university," "college" or seminary						SP	SP			SP	SP	SP			SP															
Non-profit "recreation facilities"								PA	PA	PA	PA	PA	PA	PA	PA											PA	PP			
Non-profit "recreation facilities" incident to places of worship	SP	SP	SP	SP	SP	SP	SP	SP		SP	SP						SP													
Commercial indoor "recreation facilities"																SP				PP	SP	SP	PP	PP	PP	PP	PP	PP	PP	PP
"Health clubs"																SP		SP		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Health maintenance, rehabilitation and fitness centers not operated as "Health Clubs"																SP														
Theaters																				PP				SP	SP	PP	PP	PP	PP	PP
Auditoria																PA												PP		
"Membership clubs"																SP	SP		SP	SP	SP	SP	SP	SP	SP	SP		SP		
"Golf and country clubs"	SP	SP	SP	SP	SP	SP																								
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	PA	SP			

ZONING DISTRICTS																															
"USES"	R1-30	R1-20	R1-12.5	R1-7.5	R1-5	R2-4	R2-2.5	RM-2.5	RM-2	RM-1.5	RM-1.5T	RM-1	RM-0.7	RM-0.4	RM-0.35	C-O and PCD	O-R	B-1	B-2	B-3	BR-1	BR-2	CB-1	CB-2	CB-3	CB-4	UR-4	B-6	LI-M	LI	
Accessory tennis courts, paddle tennis courts or other similar courts	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP				
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Stables		PA	PA	PA	PA																										
<b>SEMI-PUBLIC</b>																															
Hospitals or sanitariums			SP								SP						SP														
Churches or other places of worship	PP	PP	PP	PP	PP	PP	PP	PP		PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	
Sunday schools or other similar religious schools	PA	PA	PA	PA	PA	PA	PA	PA		PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	
Parish houses or rectories	PA	PA	PA	PA	PA	PA	PA	PA		PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA		PA	PA	
Convents						PP				PP		PP	PP		PP		PP	PP	PP	PP	PP	PP	PP	PP	PP	PP			PP	PP	
"Emergency shelters"																		SP*		SP*			SP	SP	SP	SP					
"Overnight shelters for the homeless"																		SP*		SP*			SP	SP	SP	SP					
"Social service centers for homeless persons"																				SP*			SP	SP	SP	SP					
"Transitional housing for homeless families"															SP									SP							
<b>COMMUNITY FACILITIES</b>																															
"Uses" of the City of White Plains	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	
"Uses" of other governments, subject to the requirements of Section 5.6	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	
"Public schools"	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP				
"Private secondary" or "elementary schools"	SP	SP	SP	SP	SP	SP	SP	SP		SP	SP	SP	SP		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP				
"Nursery schools" or "day care centers"			SP			SP		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	PP	PP	PP	PP	PP	SP	SP	SP	SP	PP	PP	SP	
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," or "public" or "private secondary" or "elementary school"	PA	PA	PA	PA	PA	PA	PA	PA		PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	SP	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public" or "private secondary" or "elementary school"	SP	SP	SP	SP	SP	SP	SP	SP		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
"Universities," "colleges" or seminaries			SP							SP	SP	SP			SP	PP		PP	PP	PP			PP	PP	PP	PP	PP				
Dormitories as accessory to a "private school," "university," "college," seminary or convent										PA	PA	PA			PA								PA	PA	PA		PA				
"Domiciliary care facilities," "community residences" or "rooming houses"							SP			SP		SP			SP					SP			SP	SP	SP						
"Assisted living facilities"																		PP						PP	PP	PP	PP				
Libraries, museums or art galleries not operated for profit	SP	SP	SP	SP	SP	SP	SP	SP		SP	SP	SP	SP		SP		PP											PP		PP	

ZONING DISTRICTS																														
"USES"	R1-30	R1-20	R1-12.5	R1-7.5	R1-5	R2-4	R2-2.5	RM-2.5	RM-2	RM-1.5	RM-1.5T	RM-1	RM-0.7	RM-0.4	RM-0.35	C-O and PCD	O-R	B-1	B-2	B-3	BR-1	BR-2	CB-1	CB-2	CB-3	CB-4	UR-4	B-6	LI-M	LI
<b>OFFICE</b>																														
Business or professional offices													SP*			PP	PP	PP	PP	PP	PP		PP	PP	PP	PP	PP		PP	PP
Business or Professional Offices of "Professional Persons"																					PP	PP								
Offices for group education, training or counseling in "buildings" containing no residential "uses"																				PP*	PP		PP	PP	PP	PP	PP		PP	PP
Offices for individual or group education, training or counseling in "buildings" containing no residential "uses"																PP														
Office in residence of a "professional person" as regulated by Sec. 5.4.2	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA		
Office space for physicians and dentists within the lowest "story" of a "multi-family dwelling" limited to not more than 50% of the "gross floor area" of that "story" and 10% of such area of the "building"								SP	SP	SP		SP	SP	SP	SP												SP			
Business, administrative or headquarters offices for "philanthropic institutions"									SP			SP	SP	SP	SP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP
Scientific research, excluding manufacturing of products for sale on premises																SP														
<b>BUSINESS</b>																														
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at the point of sale													SP*			PA		PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices", in a "Planned Campus Development" as regulated in Section 5.9, but not including sales of automobile parts or accessories involving installation at the point of sale																PP														
"Retail laundries" or "retail dry cleaners"																PP		PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP
Banks													SP*			PP	SP	PP	PP	PP	SP	SP	PP	PP	PP	PP	PP	PP	PP	PP
"Consumer financial services establishments"																PP				PP*	PP		PP	PP	PP	PP	PP	PP		
Business or trade schools																PP	SP	PP		PP			PP	PP	PP	PP	PP	PP	PP	PP
Libraries, museums or art galleries																		PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP
"Auction houses" as regulated by Sec. 6.7.15																			SP						SP		SP			
"Hotels"																SP				SP			SP	SP	PP	PP	PP		SP	
"Extended Stay Hotels"																SP				SP			SP	SP	PP	PP	PP		SP	

ZONING DISTRICTS																																
"USES"	R1-30	R1-20	R1-12.5	R1-7.5	R1-5	R2-4	R2-2.5	RM-2.5	RM-2	RM-1.5	RM-1.5T	RM-1	RM-0.7	RM-0.4	RM-0.35	C-O and PCD	O-R	B-1	B-2	B-3	BR-1	BR-2	CB-1	CB-2	CB-3	CB-4	UR-4	B-6	LI-M	LI		
Newsstands																PA		PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA		
Radio stations																					SP*			PP	PP	PP	PP	PP		PP	PP	
"Customary home occupations" as regulated by Sec. 5.4.2	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA		PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA					
"Restaurants" or "cafeterias"																SP*		SP	SP	SP	SP	PP	PP	PP	PP	PP	PP	PP	PP	PP		
Outdoor dining																	SP		SP	SP	SP	SP	SP	SP	SP	SP	SP					
"Fast food eating establishments"																								SP	SP	SP	SP	SP	PP		SP	
"Restaurants" or "cafeterias" for employees																	PA		PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA		
"Accessory Cabarets"																								SP	SP	SP	SP	SP				
"Primary Cabarets"																								SP	SP	SP	SP	SP		SP		
"Cafes"																	PP		SP	SP	SP	PP	PP	PP	PP	PP	PP	PP	PP	PP		
"Bars"																								PP	PP	PP		PP				
"Accessory electronic games"	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA		
Mortuaries or funeral homes																								PP	SP							
Veterinary hospitals, including boarding or care of small animals																													PP	PP		
<b>AUTOMOTIVE</b>																																
Motor vehicle sales or rental, including accessory "repair shops," "service stations" or outdoor storage of motor vehicles																														SP	SP	
Motor vehicle sales or rental, including accessory "repair shops", or accessory outdoor storage of motor vehicles for sale or rental in a "Planned Campus Development" as regulated in Section 5.9																	SP															
Motor vehicle "service stations"																														SP	SP	
Motor vehicle "repair shops"																													SP*	SP	SP	
Auto laundries																															SP	
Outdoor storage of motor vehicles																																
<b>INDUSTRIAL</b>																																
Manufacturing, fabrication, finishing or assembling of products																															PP	
Research, experimental or testing laboratories																														SP	SP	
Medical laboratories																	PP	PP	PP	PP	PP				SP	SP	SP	SP		PP	PP	PP
Printing plants																															PP	
Wholesale businesses, storage or warehousing																														PP	PP	
"Mini-storage facility"																															PP	
Outdoor storage of building or other materials																													PA	SP		

ZONING DISTRICTS																														
"USES"	R1-30	R1-20	R1-12.5	R1-7.5	R1-5	R2-4	R2-2.5	RM-2.5	RM-2	RM-1.5	RM-1.5T	RM-1	RM-0.7	RM-0.4	RM-0.35	C-O and PCD	O-R	B-1	B-2	B-3	BR-1	BR-2	CB-1	CB-2	CB-3	CB-4	UR-4	B-6	LI-M	LI
Outdoor storage of commercial or industrial vehicles or construction equipment																													PA	PP
Manufacturing, light																													PP	
Laundry or dry cleaning plants																														PP
"Public utility" "buildings" or "structures"	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	PP	PP
Automobile wrecking, storage or treatment of junk, iron, bottles, scrap paper or similar materials, provided operations are within a "building" and the "use" is legally existing as of the effective date of this Ordinance																														SP
<b>PARKING</b>																														
"Private garages," carports or open parking for private passenger vehicles	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
"Parking lots" or "parking garages"												SP	SP	SP	SP	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
Commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire																SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Accessory parking adjoining business or industrial districts								SP		SP	SP	SP	SP	SP	SP															
Neighborhood parking (See Sec. 6.7.13)						SP	SP	SP		SP	SP	SP	SP	SP	SP		SP													
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department					PP	PP	PP	PP		PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP
Stacked attendant parking															SP*	SP	SP*			SP*			SP*	SP*	SP*	SP*	SP*			

KEY: PP = Permitted Principal "Use"; PA = Permitted "Accessory Use"; SP = Special Permit "Use"; (R-A), etc. = Prior District designation; \* = When in the Central Parking Area

## 5.2 List of Use Regulations

### District: R1-30

USE	TYPE
"One family dwelling"	PP
"Conservation development"	See Sec. 5.7
The keeping of not more than two "roomers" per "dwelling unit"	PA
The keeping of "household pets"	PA
Accessory servants quarters	SP
"Minor accessory buildings"	PA
Non-profit "recreation facilities" incident to places of worship	SP
"Golf and country clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Libraries, museums or art galleries not operated for profit	SP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
"Customary home occupations" as regulated by Section 5.4.2	PA
"Accessory electronic games"	PA
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA

#### KEY:

PP = Permitted Principal "Use";

PA = Permitted "Accessory Use";

SP = Special Permit "Use";

(R-A), etc. = Prior District designation;

\* = When in the Central Parking Area

**District: R1-20**

USE	TYPE
"One family dwelling"	PP
"Conservation development"	See Sec. 5.7
The keeping of not more than two "roomers" per "dwelling unit"	PA
The keeping of "household pets"	PA
Accessory servants quarters	SP
"Minor accessory buildings"	PA
Non-profit "recreation facilities" incident to places of worship	SP
"Golf and country clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Stables	PA
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Libraries, museums or art galleries not operated for profit	SP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
"Customary home occupations" as regulated by Section 5.4.2	PA
"Accessory electronic games"	PA
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA

**KEY:** PP = Permitted Principal "Use"; PA = Permitted "Accessory Use"; SP = Special Permit "Use"; (R-A), etc. = Prior District designation; \* = When in the Central Parking Area

**District: R1-12.5**

USE	TYPE
"One family dwelling"	PP
"Conservation development"	See Sec. 5.7
The keeping of not more than two "roomers" per "dwelling unit"	PA
The keeping of "household pets"	PA
Accessory servants quarters	SP
"Minor accessory buildings"	PA
Non-profit "recreation facilities" incident to places of worship	SP
"Golf and country clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Stables	PA
Hospitals or sanitariums	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
"Universities," seminaries or "colleges"	SP
Libraries, museums or art galleries not operated for profit	SP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
"Customary home occupations" as regulated by Section 5.4.2	PA
"Accessory electronic games"	PA
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA

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**District: R1-7.5**

<b>USE</b>	<b>TYPE</b>
"One family dwelling"	PP
"Conservation development"	See Sec. 5.7
The keeping of not more than two "roomers" per "dwelling unit"	PA
The keeping of "household pets"	PA
Accessory servants quarters	SP
"Minor accessory buildings"	PA
Non-profit "recreation facilities" incident to places of worship	SP
"Golf and country clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Stables	PA
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Libraries, museums or art galleries not operated for profit	SP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
"Customary home occupations" as regulated by Section 5.4.2	PA
"Accessory electronic games"	PA
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA

**KEY:**

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(R-A), etc. = Prior District designation;

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**District: R1-5**

USE	TYPE
"One family dwelling"	PP
"Conservation development"	See Sec. 5.7
The keeping of not more than two "roomers" per "dwelling unit"	PA
The keeping of "household pets"	PA
"Minor accessory buildings"	PA
Non-profit "recreation facilities" incident to places of worship	SP
"Golf and country clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Stables	PA
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Libraries, museums or art galleries not operated for profit	SP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
"Customary home occupations" as regulated by Section 5.4.2	PA
"Accessory electronic games"	PA
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

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 \* = When in the Central Parking Area

**District: R2-4**

<b>USE</b>	<b>TYPE</b>
"One family dwelling"	PP
"Two family dwelling"	PP
The keeping of not more than one "roomer" per "dwelling unit" in a "one family dwelling" or "two family dwelling"	PA
The keeping of "household pets"	PA
"Minor accessory buildings"	PA
Customary indoor or outdoor athletic facilities, such as playfields or stadia, as accessory to a "private school," "university," "college" or seminary	SP
Non-profit "recreation facilities" incident to places of worship	SP
"Golf and country clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Libraries, museums or art galleries not operated for profit	SP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
"Customary home occupations" as regulated by Section 5.4.2	PA
"Accessory electronic games"	PA
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
Neighborhood parking (See Section 6.7.13)	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

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**District: R2-2.5**

USE	TYPE
"One family dwelling"	PP
"Two family dwelling"	PP
The keeping of "household pets"	PA
"Minor accessory buildings"	PA
Customary indoor or outdoor athletic facilities, such as playfields or stadia, as accessory to a "private school," "university," "college" or seminary	SP
Non-profit "recreation facilities" incident to places of worship	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
"Domiciliary care facilities," "community residences" or "rooming houses"	SP
Libraries, museums or art galleries not operated for profit	SP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
"Customary home occupations" as regulated by Section 5.4.2	PA
"Accessory electronic games"	PA
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
Neighborhood parking (See Section 6.7.13)	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

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**District: RM-2.5**

USE	TYPE
"One family dwelling"	PP
"Two family dwelling"	PP
"Multi-family dwellings"	PP
The keeping of not more than one "roomer" per "dwelling unit" in a "one family dwelling" or "two family dwelling"	PA
The keeping of "household pets"	PA
"Minor accessory buildings"	PA
Non-profit "recreation facilities"	PA
Non-profit "recreation facilities" incident to places of worship	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Libraries, museums or art galleries not operated for profit	SP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Office space for physicians and dentists within the lowest "story" of a "multi-family dwelling" limited to not more than 50% of the "gross floor area" of that "story" and 10% of such area of the "building"	SP
"Customary home occupations" as regulated by Section 5.4.2	PA
"Accessory electronic games"	PA
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
Accessory parking adjoining business or industrial district	SP
Neighborhood parking (See Section 6.7.13)	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

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**District: RM-2**

<b>USE</b>	<b>TYPE</b>
"Multi-family dwellings"	PP
The keeping of "household pets"	PA
"Minor accessory buildings"	PA
Non-profit "recreation facilities"	PA
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Nursery schools" or "day care centers"	SP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Office space for physicians and dentists within the lowest "story" of a "multi-family dwelling" limited to not more than 50% of the "gross floor area" of that "story" and 10% of such area of the "building"	SP
"Customary home occupations" as regulated by Section 5.4.2	PA
"Accessory electronic games"	PA
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA

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**District: RM-1.5**

<b>USE</b>	<b>TYPE</b>
"One family dwelling"	PP
"Two family dwelling"	PP
"Multi-family dwellings"	PP
The keeping of not more than one "roomer" per "dwelling unit" in a "one family dwelling" or "two family dwelling"	PA
The keeping of "household pets"	PA
"Minor accessory buildings"	PA
Customary indoor or outdoor athletic facilities, such as playfields or stadia, as accessory to a "private school," "university," "college" or seminary	SP
Non-profit "recreation facilities"	PA
Non-profit "recreation facilities" incident to places of worship	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
"Universities," "colleges" or seminaries	SP
Dormitories as accessory to a "private school," "university," "college," seminary or convent	PA
"Domiciliary care facilities," "community residences" or "rooming houses"	SP
Libraries, museums or art galleries not operated for profit	SP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Office space for physicians and dentists within the lowest "story" of a "multi-family dwelling" limited to not more than 50% of the "gross floor area" of that "story" and 10% of such area of the "building"	SP
Business, administrative or headquarters offices for "philanthropic institutions"	SP
"Customary home occupations" as regulated by Section 5.4.2	PA

**District: RM-1.5**

<b>USE</b>	<b>TYPE</b>
"Accessory electronic games"	PA
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
Accessory parking adjoining business or industrial districts	SP
Neighborhood parking (See Section 6.7.13)	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

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**District: RM-1.5T**

USE	TYPE
"One family dwelling"	PP
"Two family dwelling"	PP
"Multi-family dwellings"	PP
The keeping of "household pets"	PA
"Minor accessory buildings"	PA
Customary indoor or outdoor athletic facilities, such as playfields or stadia, as accessory to a "private school," "university," "college" or seminary	SP
Non-profit "recreation facilities"	PA
Non-profit "recreation facilities" incident to places of worship	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Hospitals or sanitariums	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
"Universities," "colleges" or seminaries	SP
Dormitories as accessory to a "private school," "university," "college," seminary or convent	PA
Libraries, museums or art galleries not operated for profit	SP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
"Customary home occupations" as regulated by Section 5.4.2	PA
"Accessory electronic games"	PA
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
Accessory parking adjoining business or industrial districts	SP
Neighborhood parking (See Section 6.7.13)	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

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**District: RM-1**

<b>USE</b>	<b>TYPE</b>
"One family dwelling"	PP
"Two family dwelling"	PP
"Multi-family dwellings"	PP
The keeping of not more than one "roomer" per "dwelling unit" in a "one family dwelling" or "two family dwelling"	PA
The keeping of "household pets"	PA
"Minor accessory buildings"	PA
Customary indoor or outdoor athletic facilities, such as playfields or stadia, as accessory to a "private school," "university," "college" or seminary	SP
Non-profit "recreation facilities"	PA
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
"Universities," "colleges" or seminaries	SP
Dormitories as accessory to a "private school," "university," "college," seminary or convent	PA
"Domiciliary care facilities," "community residences" or "rooming houses"	SP
Libraries, museums or art galleries not operated for profit	SP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Office space for physicians and dentists within the lowest "story" of a "multi-family dwelling" limited to not more than 50% of the "gross floor area" of that "story" and 10% of such area of the "building"	SP
Business, administrative or headquarters offices for "philanthropic institutions"	SP
"Customary home occupations" as regulated by Section 5.4.2	PA
"Accessory electronic games"	PA

**District: RM-1**

<b>USE</b>	<b>TYPE</b>
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	SP
Accessory parking adjoining business or industrial districts	SP
Neighborhood parking (See Section 6.7.13)	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

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**District: RM-0.7**

<b>USE</b>	<b>TYPE</b>
"One family dwelling"	PP
"Two family dwelling"	PP
"Multi-family dwellings"	PP
The keeping of not more than one "roomer" per "dwelling unit" in a "one family dwelling" or "two family dwelling"	PA
The keeping of "household pets"	PA
"Minor accessory buildings"	PA
Non-profit "recreation facilities"	PA
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Libraries, museums or art galleries not operated for profit	SP
Business or professional offices	SP*
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Office space for physicians and dentists within the lowest "story" of a "multi-family dwelling" limited to not more than 50% of the "gross floor area" of that "story" and 10% of such area of the "building"	SP
Business, administrative or headquarters offices for "philanthropic institutions"	SP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices" but not including sales of automobile parts or accessories involving installation at the point of sale	SP*
Banks	SP*
"Customary home occupations" as regulated by Section 5.4.2	PA
"Restaurants" or "cafeterias"	SP*

**District: RM-0.7**

<b>USE</b>	<b>TYPE</b>
"Accessory electronic games"	PA
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	SP
Accessory parking adjoining business or industrial districts	SP
Neighborhood parking (See Section 6.7.13)	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

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**District: RM-0.4**

<b>USE</b>	<b>TYPE</b>
"Multi-family dwellings"	PP
The keeping of "household pets"	PA
Non-profit "recreation facilities"	PA
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Office space for physicians and dentists within the lowest "story" of a "multi-family dwelling" limited to not more than 50% of the "gross floor area" of that "story" and 10% of such area of the "building"	SP
Business, administrative or headquarters offices for "philanthropic institutions"	SP
"Customary home occupations" as regulated by Section 5.4.2	PA
"Accessory electronic games"	PA
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	SP
Accessory parking adjoining business or industrial districts	SP
Neighborhood parking (See Section 6.7.13)	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

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 \* = When in the Central Parking Area

**District: RM-0.35**

<b>USE</b>	<b>TYPE</b>
"One family dwelling"	PP
"Two family dwelling"	PP
"Multi-family dwellings"	PP
The keeping of not more than one "roomer" per "dwelling unit" in a "one family dwelling" or "two family dwelling"	PA
The keeping of "household pets"	PA
"Minor accessory buildings"	PA
Customary indoor or outdoor athletic facilities, such as playfields or stadia, as accessory to a "private school," "university," "college" or seminary	SP
Non-profit "recreation facilities"	PA
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Transitional housing for homeless families"	SP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
"Universities," "colleges" or seminaries	SP
Dormitories as accessory to a "private school," "university," "college," seminary or convent	PA
"Domiciliary care facilities," "community residences" or "rooming houses"	SP
Libraries, museums or art galleries not operated for profit	SP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Office space for physicians and dentists within the lowest "story" of a "multi-family dwelling" limited to not more than 50% of the "gross floor area" of that "story" and 10% of such area of the "building"	SP
Business, administrative or headquarters offices for "philanthropic institutions"	SP
"Customary home occupations" as regulated by Section 5.4.2	PA
"Accessory electronic games"	PA

**District: RM-0.35**

<b>USE</b>	<b>TYPE</b>
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	SP
Accessory parking adjoining business or industrial districts	SP
Neighborhood parking (See Section 6.7.13)	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP
Stacked attendant parking	SP*

**KEY:**

PP = Permitted Principal "Use";

PA = Permitted "Accessory Use";

SP = Special Permit "Use";

(R-A), etc. = Prior District designation;

\* = When in the Central Parking Area

**District: C-O and PCD**

USE	TYPE
"Multi-family dwellings" in a "Planned Campus Development" as regulated by Section 5.9	PP
The keeping of "household pets" in a "Planned Campus Development" as regulated by Section 5.9	PA
Commercial indoor "recreation facilities"	SP
"Health Clubs"	SP
Health maintenance, rehabilitation and fitness centers not operated as "Health Clubs"	SP
Auditoria	PA
"Membership clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary" or "elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public" or "private secondary" or "elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public" or "private secondary" or "elementary school"	SP
"Universities," "colleges" or seminaries	PP
Business or professional offices	PP
"Planned Campus Development" as regulated in Section 5.9 "Planned Campus Development"	
Offices for individual or group education, training or counseling in "buildings" containing no residential "uses"	PP
Office in residence of a "professional person" as regulated by Section 5.4.2 and Section 5.9 "Planned Campus Development"	PA
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Scientific research, excluding manufacturing of products for sale on premises	SP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobiles, automobile parts or accessories involving installation at point of sale	PA
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," in a "Planned Campus Development"	PP

as regulated in Section 5.9, but not including sales of automobiles, automobile parts or accessories involving installation at point of sale	
"Retail laundries" or "retail dry cleaners"	PP
Banks	PP
"Consumer financial services establishments"	PP
Business or trade schools	PP
Libraries, museums or art galleries	PP
"Hotels"	SP
"Extended Stay Hotels"	SP
Newsstands	PA
"Restaurants" and "cafeterias"	SP
Outdoor dining	SP
"Restaurants" or "cafeterias" for employees	PA
"Cafes"	PP
"Accessory electronic games"	PA
Motor vehicle sales or rental, including accessory "repair shops," or accessory outdoor storage of motor vehicles for sale or rental in a "Planned Campus Development " as regulated in Section 5.9	SP
Medical laboratories	PP
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger cars	PA
"Parking lots" or "parking garages"	PA
Commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
"Parking lots" or "parking garages" of the City of White Plains	PP
Stacked attendant parking	SP

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PP = Permitted Principal "Use";

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\* = When in the Central Parking Area

**District: O-R**

<b>USE</b>	<b>TYPE</b>
"Two family dwellings"	PP
"Multi-family dwellings"	PP
The keeping of "household pets"	PA
"Minor accessory buildings"	PA
Non-profit "recreation facilities" incident to places of worship	SP
"Membership clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Hospitals or sanitariums	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
"Assisted living facility"	PP
Libraries, museums or art galleries not operated for profit	PP
Business or professional offices	PP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Banks	SP
Business or trade schools	SP
"Customary home occupations" as regulated by Section 5.4.2	PA
"Accessory electronic games"	PA
Medical laboratories	PP
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	PA

**District: O-R**

<b>USE</b>	<b>TYPE</b>
Commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
Neighborhood parking (See Section 6.7.13)	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP
Stacked attendant parking	SP*

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**District: B-1**

<b>USE</b>	<b>TYPE</b>
"Multi-family dwellings"	PP
The keeping of "household pets"	PA
"Health clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Emergency shelters"	SP*
"Overnight shelters of the homeless"	SP*
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
"Universities," "colleges" or seminaries	PP
Business or professional offices	PP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale	PP
"Retail laundries" or "retail dry cleaners"	PP
Banks	PP
Business or trade schools	PP
Libraries, museums or art galleries	PP
Newsstands	PA
"Customary home occupations" as regulated by Section 5.4.2	PA
"Restaurants" or "cafeterias"	SP
Outdoor dining	SP

**District: B-1**

<b>USE</b>	<b>TYPE</b>
"Restaurants" or "cafeterias" for employees	PA
"Cafes"	SP
"Accessory electronic games"	PA
Outdoor storage of motor vehicles	SP
Medical laboratories	PP
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	PA
Commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

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**District: B-2**

<b>USE</b>	<b>TYPE</b>
"Multi-family dwellings"	PP
The keeping of "household pets"	PA
"Membership clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	PP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
"Universities," "colleges" or seminaries	PP
Business or professional offices	PP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale	PP
"Retail laundries" or "retail dry cleaners"	PP
Banks	PP
Libraries, museums or art galleries	PP
"Auction houses" as regulated by Section 6.7.15	SP
Newsstands	PA
"Customary home occupations" as regulated by Section 5.4.2	PA
"Restaurants" or "cafeterias"	SP
Outdoor dining	SP
"Restaurants" or "cafeterias" for employees	PA
"Cafes"	SP

**District: B-2**

<b>USE</b>	<b>TYPE</b>
"Accessory electronic games"	PA
Motor vehicle "service stations"	SP
Outdoor storage of motor vehicles	SP
Medical laboratories	PP
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	PA
Commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

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**District: B-3**

<b>USE</b>	<b>TYPE</b>
"Multi-family dwellings"	PP
The keeping of "household pets"	PA
Commercial indoor "recreation facilities"	pp
"Health clubs"	SP
Theaters	PP
"Membership clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Emergency shelters"	SP*
"Overnight shelters for the homeless"	SP*
"Social service centers for homeless persons"	SP*
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	PP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
"Universities," "colleges" or seminaries	PP
"Domiciliary care facilities," "community residences" or "rooming houses"	SP
Business or professional offices	PP
Offices for group education, training or counseling in "buildings" containing no residential "uses"	PP*
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale	PP
"Retail laundries" or "retail dry cleaners"	PP
Banks	PP

**District: B-3**

<b>USE</b>	<b>TYPE</b>
"Consumer financial services establishments"	PP*
Business or trade schools	PP
Libraries, museums or art galleries	PP
"Hotels"	SP
"Extended Stay Hotels"	SP
Newsstands	PA
Radio stations	SP*
"Customary home occupations" as regulated by Section 5.4.2	PA
"Restaurants" or "cafeterias"	SP
Outdoor dining	SP
"Restaurants" or "cafeterias" for employees	PA
"Cafes"	SP
"Bars"	PP
"Accessory electronic games"	PA
Mortuaries or funeral homes	PP
Veterinary hospitals, including boarding or care of small animals	SP
Motor vehicle sales or rental, including accessory "repair shops," "service stations" or outdoor storage of motor vehicles	SP
Motor vehicle "service stations"	SP
Medical laboratories	PP
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	PA
Commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP
Stacked attendant parking	SP*

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 \* = When in the Central Parking Area

**District: BR-1**

<b>USE</b>	<b>TYPE</b>
"Multi-family dwellings"	PP
The keeping of "household pets"	PA
Commercial indoor "recreation facilities"	SP
"Health clubs"	SP
"Membership clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	PP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Business or professional offices	PP
Offices for group education, training or counseling in "buildings" containing no residential "uses"	PP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Business or Professional Offices of "Professional Persons"	PP
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale	PP
"Retail laundries" or "retail dry cleaners"	PP
Banks	SP
"Consumer financial service establishments"	PP
Libraries, museums or art galleries	PP
Newsstands	PA
"Customary home occupations" as regulated by Section 5.4.2	PA
"Restaurants" or "cafeterias"	PP

**District: BR-1**

<b>USE</b>	<b>TYPE</b>
Outdoor dining	SP
“Restaurants” or “cafeterias” for employees	PA
“Cafes”	PP
“Accessory electronic games”	PA
Mortuaries or funeral homes	SP
Motor vehicle “service stations”	SP
“Public utility buildings or structures”	SP
“Private garages,” carports or open parking for private passenger vehicles	PA
“Parking lots” or “parking garages”	PA
Commercial “parking lots” for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
“Parking lots” or “parking garages” of the City of White Plains or its Parking Department	PP

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**District: BR-2**

<b>USE</b>	<b>TYPE</b>
"Multi-family dwellings"	PP
The keeping of "household pets"	PA
Commercial indoor "recreation facilities"	SP
"Health clubs"	SP
"Membership clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	PP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Business or Professional Offices of "Professional Persons"	PP
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale	PP
"Retail laundries" or "retail dry cleaners"	PP
Banks	SP
Libraries, museums or art galleries	PP
Newsstands	PA
"Customary home occupations" as regulated by Section 5.4.2	PA
"Restaurants" or "cafeterias"	PP
Outdoor dining	SP
"Restaurants" or "cafeterias" for employees	PA
"Cafes"	PP

**District: BR-2**

<b>USE</b>	<b>TYPE</b>
"Accessory electronic games"	PA
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	PA
Commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

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**District: CB-1**

<b>USE</b>	<b>TYPE</b>
"Multi-family dwellings"	PP
The keeping of "household pets"	PA
Commercial indoor "recreation facilities"	PP
"Health clubs"	SP
Theaters	SP
"Membership clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Emergency shelters"	SP
"Overnight shelters for the homeless"	SP
"Social service centers for homeless persons"	SP
"Transitional housing for homeless families"	SP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
"Universities," "colleges" or seminaries	PP
Dormitories as accessory to a "private school," "university," "college," seminary or convent	PA
"Domiciliary care facilities," "community residences" or "rooming houses"	SP
"Assisted living facility"	PP
Business or professional offices	PP
Offices for group education, training or counseling in "buildings" containing no residential "uses"	PP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobile	PP

**District: CB-1**

USE	TYPE
parts or accessories involving installation at point of sale	
“Retail laundries” or “retail dry cleaners”	PP
Banks	PP
“Consumer financial services establishments”	PP
Business or trade schools	PP
Libraries, museums or art galleries	PP
“Hotels”	SP
“Extended Stay Hotels”	SP
Newsstands	PA
Radio stations	PP
“Customary home occupations” as regulated by Section 5.4.2	PA
“Restaurants” or “cafeterias”	PP
Outdoor dining	SP
“Fast food eating establishments”	SP
“Restaurants” or “cafeterias” for employees	PA
“Cabarets”	SP
“Cafes”	PP
“Bars”	PP
“Accessory electronic games”	PA
Mortuaries or funeral homes	SP
Motor vehicle “service stations”	SP
Medical laboratories	SP
“Public utility buildings or structures”	SP
“Private garages,” carports or open parking for private passenger vehicles	PA
“Parking lots” or “parking garages”	PA
Commercial “parking lots” for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
“Parking lots” or “parking garages” of the City of White Plains or its Parking Department	PP
Stacked attendant parking	SP*

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**District: CB-2**

<b>USE</b>	<b>TYPE</b>
"Multi-family dwellings"	PP
The keeping of "household pets"	PA
Commercial indoor "recreation facilities"	PP
"Health clubs"	SP
Theaters	SP
"Membership clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Emergency shelters"	SP
"Overnight shelters for the homeless"	SP
"Social service centers for homeless persons"	SP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
"Universities," "colleges" or seminaries	PP
Dormitories as accessory to a "private school," "university," "college," seminary or convent	PA
"Domiciliary care facilities," "community residences" or "rooming houses"	SP
"Assisted living facility"	PP
Business or professional offices	PP
Offices for group education, training or counseling in "buildings" containing no residential "uses"	PP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale	PP

**District: CB-2**

<b>USE</b>	<b>TYPE</b>
"Retail laundries" or "retail dry cleaners"	PP
Banks	PP
"Consumer financial services establishments"	PP
Business or trade schools	PP
Libraries, museums or art galleries	PP
"Hotels"	SP
"Extended Stay Hotels"	SP
Newsstands	PA
Radio stations	PP
"Customary home occupations" as regulated by Section 5.4.2	PA
"Restaurants" or "cafeterias"	PP
Outdoor dining	SP
"Fast food eating establishments"	SP
"Restaurants" or "cafeterias" for employees	PA
"Cabarets"	SP
"Cafes"	PP
"Bars"	PP
"Accessory electronic games"	PA
Mortuaries or funeral homes	SP
Motor vehicle "service stations"	SP
Medical laboratories	SP
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	PA
Commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP
Stacked attendant parking	SP*

**KEY:**

PP = Permitted Principal "Use";  
 PA = Permitted "Accessory Use";  
 SP = Special Permit "Use";  
 (R-A), etc. = Prior District designation;  
 \* = When in the Central Parking Area

**District: CB-3**

<b>USE</b>	<b>TYPE</b>
"Multi-family dwellings"	PP
The keeping of "household pets"	PA
Commercial indoor "recreation facilities"	PP
"Health clubs"	SP
Theaters	PP
"Membership clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	PA
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Emergency shelters"	SP
"Overnight shelters for the homeless"	SP
"Social service centers for homeless persons"	SP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
"Universities," "colleges" or seminaries	PP
Dormitories as accessory to a "private school," "university," "college," seminary or convent	PA
"Domiciliary care facilities," "community residences" or "rooming houses"	SP
"Assisted living facility"	PP
Business or professional offices	PP
Offices for group education, training or counseling in "buildings" containing no residential "uses"	PP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale	PP

“Retail laundries” or “retail dry cleaners”	PP
Banks	PP
“Consumer financial services establishments”	PP
Business or trade schools	PP
Libraries, museums or art galleries	PP
“Auction houses” as regulated by Section 6.7.15	SP
“Hotels”	PP
“Extended Stay Hotels”	PP
Newsstands	PA
Radio stations	PP
“Customary home occupations” as regulated by Section 5.4.2	PA
“Restaurants” or “cafeterias”	PP
Outdoor dining	SP
“Fast food eating establishments”	SP
“Restaurants” or “cafeterias” for employees	PA
“Cabarets”	SP
“Cafes”	PP
“Bars”	PP
“Accessory electronic games”	PA
Motor vehicle sales or rental, including accessory “repair shops,” “service stations” or outdoor storage of motor vehicles	PP
Motor vehicle “service stations”	SP
Medical laboratories	SP
“Public utility buildings or structures”	SP
“Private garages,” carports or open parking for private passenger vehicles	PA
“Parking lots” or “parking garages”	PA
Commercial “parking lots” for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
“Parking lots” or “parking garages” of the City of White Plains or its Parking Department	PP
Stacked attendant parking	SP*

**KEY:**

PP = Permitted Principal "Use";

PA = Permitted "Accessory Use";

SP = Special Permit "Use";

(R-A), etc. = Prior District designation;

\* = When in the Central Parking Area

**District: CB-4**

<b>“USE”</b>	<b>TYPE</b>
“Multi-family dwellings”	PP
The keeping of “household pets”	PA
Non-profit “recreational facilities”	PA
Commercial indoor “recreation facilities”	pp
“Health clubs”	SP
Theaters	PP
Accessory “swimming pools” as regulated by Sections 4.4.24 and 6.7.3	PA
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory “dish antennas” as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
“Emergency shelters”	SP
“Overnight shelters for the homeless”	SP
“Social service centers for homeless persons”	SP
“Uses” of the City of White Plains	PP
“Uses” of other governments, subject to the requirements of Section 5.6	PP
“Public schools”	PP
“Private secondary or elementary schools”	SP
“Nursery schools” or “day care centers”	SP
“Nursery schools” or “day care centers” in conjunction with a permitted church or other place of worship, “membership club,” or “public school” or “private secondary or elementary school”	PA
Independent, unaffiliated “nursery schools” or “day care centers” located within a permitted church or other place of worship, “membership club,” or “public school” or “private secondary or elementary school”	SP
“Universities,” “colleges” or seminaries	PP
“Assisted living facility”	PP
Business or professional offices	PP
Offices for group education, training or counseling in “buildings” containing no residential “uses”	PP
Office in residence of a “professional person” as regulated by Section 5.4.2	PA
Business, administrative or headquarters offices for “philanthropic institutions”	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including “real estate offices,” but not including sales of automobile parts or accessories involving installation at point of sale	PP
“Retail laundries” or “retail dry cleaners”	PP
Banks	PP

**District: CB-4**

<b>"USE"</b>	<b>TYPE</b>
"Consumer financial services establishments"	PP
Business or trade schools	PP
Libraries, museums or art galleries	PP
"Hotels"	PP
"Extended Stay Hotels"	PP
Newsstands	PA
Radio stations	PP
"Customary home occupations" as regulated by Section 5.4.2	PA
"Restaurants" or "cafeterias"	PP
Outdoor dining	SP
"Fast food eating establishments"	SP
"Restaurants" or "cafeterias" for employees	PA
"Cabarets"	SP
"Cafes"	PP
"Accessory electronic games"	PA
Motor vehicle sales or rental, including accessory "repair shops," "service stations" or outdoor storage of motor vehicles	PP
Motor vehicle "service stations"	SP
Medical laboratories	SP
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	PA
Commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP
Stacked attendant parking	SP*

**KEY:**

PP = Permitted Principal "Use";  
 PA = Permitted "Accessory Use";  
 SP = Special Permit "Use";  
 (R-A), etc. = Prior District designation;  
 \* = When in the Central Parking Area

**District: UR-4**

<b>“USE”</b>	<b>TYPE</b>
“Multi-family dwellings”	PP
The keeping of “household pets”	PA
Non-profit “recreational facilities”	PP
Commercial indoor “recreation facilities”	PP
“Health clubs”	SP
Theaters	PP
Auditoria	PP
“Membership clubs”	SP
Accessory “swimming pools” as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory “dish antennas” as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
“Uses” of the City of White Plains	PP
“Uses” of other governments, subject to the requirements of Section 5.6	PP
“Public schools”	PP
“Private secondary or elementary schools”	SP
“Nursery schools” or “day care centers”	PP
“Nursery schools” or “day care centers” in conjunction with a permitted church or other place of worship, “membership club,” or “public school” or “private secondary or elementary school”	PA
Independent, unaffiliated “nursery schools” or “day care centers” located within a permitted church or other place of worship, “membership club,” or “public school” or “private secondary or elementary school”	SP
“Universities,” “colleges” or seminaries	PP
Dormitories as accessory to a “private school,” “university,” “college,” seminary or convent	PA
Libraries, museums or art galleries not operated for profit	PP
Business or professional offices	PP
Offices for group education, training or counseling in “buildings” containing no residential “uses”	PP
Office in residence of a “professional person” as regulated by Section 5.4.2	PA
Office space for physicians or dentists within the lowest “story” of a “multi-family dwelling” limited to not more than 50% of the “gross floor area” of that “story” and 10% of such area of the “building”	SP
Business, administrative or headquarters offices for “philanthropic institutions”	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including “real estate offices,” but not including sales of automobile parts or accessories involving installation at point of sale	PP

**District: UR-4**

<b>“USE”</b>	<b>TYPE</b>
“Retail laundries” or “retail dry cleaners”	PP
Banks	PP
“Consumer financial services establishments”	PP
Business or trade schools	PP
Libraries, museums or art galleries	PP
“Auction houses” as regulated by Section 6.7.15	SP
“Hotels”	PP
“Extended Stay Hotels”	PP
Newsstands	PA
Radio stations	PP
“Customary home occupations” as regulated by Section 5.4.2	PA
“Restaurants” or “cafeterias”	PP
Outdoor dining	SP
“Fast food eating establishments”	SP
“Restaurants” or “cafeterias” for employees	PA
“Cabarets”	SP
“Cafes”	PP
“Bars”	PP
“Accessory electronic games”	PA
“Public utility buildings or structures”	SP
“Private garages,” carports or open parking for private passenger vehicles	PA
“Parking lots” or “parking garages”	PA
Commercial “parking lots” for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
“Parking lots” or “parking garages” of the City of White Plains or its Parking Department	PP
Stacked attendant parking	SP*

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**District: B-6**

<b>USE</b>	<b>TYPE</b>
"Health Clubs"	SP
Theaters	PP
Accessory "dish antennas" as regulated by Sections 4.4.24 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Nursery schools" or "day care centers"	PP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale	PP
"Retail laundries" or "retail dry cleaners"	PP
Banks	PP
"Consumer financial service establishments"	PP
Business or trade schools	PP
Libraries, museums or art galleries	PP
Newsstands	PA
"Restaurants" or "cafeterias"	PP
"Fast food eating establishments"	PP
"Restaurants" or "cafeterias" for employees	PA
"Cafes"	PP
"Accessory electronic games"	PA
"Motor vehicle repair shops"	SP*
Medical laboratories	PP
"Public utility buildings or structures"	SP
"Parking lots" or "parking garages"	PA
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

**KEY:**

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 \* = When in the Central Parking Area

**District: LI-M**

USE	TYPE
"Multi-family dwellings"	SP
Commercial indoor "recreation facilities"	PP
"Health clubs"	SP
Theaters	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Business or professional offices	PP
Offices for group education, training or counseling in "buildings" containing no residential "uses"	PP
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Stores for sales at retail or performance of customary personal services or services clearly incidental to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale	PP
"Auction houses" as regulated by Sec. 6.7.15	PP
"Retail laundries" or "retail dry cleaners"	PP
Banks	PP
Business or trade schools	PP
"Libraries, museums or art galleries not operated for profit"	PP
"Libraries, museums or art galleries"	PP
"Hotels" and "Extended Stay Hotels"	SP
Newsstands	PA
Radio stations	PP
"Restaurants" or "cafeterias"	PP
"Restaurants" or "cafeterias" for employees	PA
"Cafes"	PP
"Accessory electronic games"	PA

**District: LI-M**

<b>USE</b>	<b>TYPE</b>
Veterinary hospitals, including boarding or care of small animals	PP
Motor vehicle sales or rental, including accessory "repair shops," "service stations" with or without accessory outdoor storage of motor vehicles	SP
Motor vehicle "service stations"	SP
Motor vehicle "repair shops"	SP
Research, experimental or testing laboratories	SP
Medical laboratories	PP
Wholesale businesses, commercial storage and warehousing	PP
Outdoor storage of building or other materials	PA
Outdoor storage of commercial or industrial vehicles or construction equipment	PA
"Manufacturing, light"	PP
"Public utility buildings or structures"	PP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	PA
Commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

KEY:

PP = Permitted Principal "Use";

PA = Permitted "Accessory Use";

SP = Special Permit "Use";

(R-A), etc. = Prior District designation;

\* = When in the Central Parking Area

**District: LI**

<b>USE</b>	<b>TYPE</b>
Commercial indoor "recreation facilities"	PP
"Health clubs"	SP
Theaters	PP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Business or professional offices	PP
Offices for group education, training or counseling in "buildings" containing no residential "uses"	PP
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale	PP
"Retail laundries" or "retail dry cleaners"	PP
Banks	PP
Business or trade schools	PP
Newsstands	PA
Radio stations	PP
"Restaurants" or "cafeterias"	PP
"Fast food eating establishments"	SP
"Restaurants" or "cafeterias" for employees	PA
"Cafes"	PP
"Accessory electronic games"	PA
Veterinary hospitals, including boarding or care of small animals	PP
Motor vehicle sales or rental, including accessory "repair shops," service stations" or outdoor storage of motor vehicles	SP
Motor vehicle "service stations"	SP
"Motor vehicle "repair shops"	SP
Auto laundries	SP

**District: LI**

<b>USE</b>	<b>TYPE</b>
Manufacturing, fabrication, finishing or assembling of products	PP
Research, experimental or testing laboratories	SP
Medical laboratories	PP
Printing plants	PP
Wholesale businesses, storage or warehousing	PP
"Mini-storage facility"	PP
Outdoor storage of building or other materials	SP
Outdoor storage of commercial or industrial vehicles or construction equipment	PP
Laundry or dry cleaning plants	PP
"Public utility buildings or structures"	PP
Automobile wrecking, storage or treatment of junk, iron, bottles, scrap paper or similar materials, provided operations are within a "building" and the "use" is legally existing as of the effective date of this Ordinance	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	PA
Commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

**KEY:**

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**District: Planned Senior Residential Development**

<b>USE</b>	<b>TYPE</b>
"Planned Senior Residential Development"	See Section 5.8

5.3 Schedule of Dimensional Regulations

Residential

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		
ZONE	MAXIMUM "BUILDING COVERAGE" in percent			MAXIMUM "FLOOR AREA RATIO"  R= Residential N= Non-residential C= Combined	MINIMUM "LOT" DIMENSIONS				MINIMUM REQUIRED "YARD" DIMENSIONS (a) in ft. (see also Section 4.4)				MAXIMUM "HEIGHT" (see also Sec 4.4)		ACCESSORY "STRUCTURES" (See Section 4.4)				FOOTNOTES		
	"All Buildings"	"Main Building"	"Accessory Buildings"		"AREA" in sq. ft. PER				"FRONTAGE" in ft.	"DEPTH" in ft.	"FRONT"	"ONE SIDE"	"TWO SIDES"	"REAR"	"STORIES"	FEET	MAXIMUM "HEIGHT" in ft.	MINIMUM DISTANCE in ft. TO			
					"LOT"	"DWELLING UNIT"	"FRONTAGE"	"DEPTH"										"ANY OTHER" STRUCTURE" IF NOT ATTACHED TO IT		"SIDE LOT LINE"	"REAR LOT LINE"
R1-30	20 (u)	14 (u)	5	R- 0.40 (u)	30,000	30,000	150	150	75	25	50	30	2-1/2	35	15	20	10	15	(a) Applicable only to "buildings" and "structures" located above ground.		
R1-20	20 (u)	16 (u)	5	R- 0.40 (u)	20,000	20,000	100	100	35	20	40	30	2-1/2	35	15	20	10	15	(b) Dimensional requirements apply to the entire area classified an Urban Renewal site, and are not applied to any individual areas, notwithstanding the subdivision or divided ownership of such site.		
R1-12.5	25 (u)	18 (u)	7	R- 0.45 (u)	12,500	12,500	100	100	25	20	40	30	2-1/2	30	15	20	10	10	(c) For "structures" containing garages entered directly from a public "street," the "street" level of such "structures" shall be recessed a minimum of 12 ft. from the "street" line.		
R1-7.5	25	22	7	R- 0.55	7,500	7,500	75	75	25	12	25	30	2-1/2	30	15	10	5	5	(d) 75 for a "multi-family dwelling."		
R1-5	30	25	10	R- 0.55	5,000	5,000	50	75	25	7	18	25	2-1/2	30	15	10	5	5 (i)	(e) 325 for housing for the aged erected pursuant to the Private Housing Finance Law.		
R2-4																				(f) In the Central Parking Area, 325 if for the purposes set forth in Section 5.4.1.5.1 and on issuance of a special permit by the Common Council.	
1 fam.	30	25	10	R- 0.60	5,000	5,000	50	75	25	7	18	25	2-1/2	30	15	10	5	5 (i)	(g) "Buildings" not exceeding 36 ft. in "height" shall be set back two-thirds the "height" of the "building," but not less than 15 ft. from each "side lot line." "Buildings" exceeding 36 ft. in "height" shall be set back one-third the "height" of the "building," but not less than 25 ft. from each "side lot line."		
2 fam.	25	22	10	R- 0.55	5,000	4,000	75	75	25	12	25	25	2-1/2	30	15	10	5	5 (i)	(h) "Buildings" shall be set back one-half the "height" of the "building," up to 45 ft., but not less than 30 ft. from the "rear lot line."		
R2-2.5	30	26	10	R- 0.65	5,000	2,500	50	75	20	5	15	25	2-1/2	30	15	10	5	5 (i)	(i) Where the "building" is of fire-proof construction as approved by the Commissioner of Building, and will abut the "rear yard" of an adjoining "lot," no minimum.		
RM-2.5	30	--	10	N- 0.50	5,000	2,500	50 (d)	75	20	8	20	25	3	35	15	10	12	12	(j) No accessory "structures" other than parking "structures" for private passenger vehicles permitted.		
RM-2 (b) (m)	40	--	10	N- 0.60	20,000	2,000	100	100	-- (c)	-- (c)	-- (c)	-- (c)	3	35	35	--	--	--	(k) [Reserved]		
RM-1.5	35	--	10	N- 0.80	5,000	1,500	50 (d)	75	25	10	25	30	3	35	15	10	12	12	(l) For residential "uses," "usable open space" shall be provided in an amount equal to not less than 15 percent of the "gross floor area."		
RM-1.5T	50	--	10	--	5,000	1,500	50 (d)(r)	100	20	8 (r)	20 (r)	25	3-1/2	35	15	10	5	5 (r)	(m) See Section 5.4.3 for requirements relating to improved recreation areas.		
RM-1	50	--	5	N- 1.20	5,000	1,000 (e)(s)	50 (d)	75	20	8	20	25	3 (t)	35 (t)	15	10	12	12 (i)	(n) The number of "stories" may be increased within the maximum "height" as measured in feet, with a "front yard" of not less than 20 feet, on issuance of a special permit by the Common Council.		
RM-0.7	70	--	10	N- 0.80	--	700	--	--	5 (c)(q)	--	--	25	3	35	15	10	12	12 (i)	(o) Stables may have a maximum "height" of 30 ft. but shall be located at least 100 ft. from any "lot line."		
RM-0.4 (m)	30 (l)	--	-- (j)	N- 2.80	15,000	400 (e)	75	100	30	-- (g)	-- (g)	-- (h)	12	125	-- (j)	-- (j)	-- (j)	-- (j)	(p) [Reserved]		
RM-0.35	60	--	10	N- 3.20	10,000	350 (e,f)	75	75	10	15	30	30	6 (n)	125	15	10	12	12 (i)	(q) The maximum "front yard" setback shall not exceed 15 feet.		
Planned Senior Residential Development See Section 5.8																			(r) See Section 5.4.5 for regulations relating to residential townhouse district.		
Planned Campus Development See Section 5.9																			(s) 500 for "dwelling units" which address the purposes set forth in Section 5.1.4.5 and for which at least 20 percent of the "dwelling units" are affordable to moderate income families based on income schedules published annually by the Department of Planning.		
																			(t) On "lots" greater than 15,000 square feet in "area," "height" may be increased up to 6 "stories" or up to 65 feet on issuance of a special permit by the Common Council.		
																			(u) For "lots" over 40,000 square feet, "building coverage" for all "buildings" shall not exceed 8,000 square feet; "main building coverage" shall not exceed 5,000 square feet; and maximum "FAR" shall not exceed 0.30.		

**Non-residential**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
ZONE	MAXIMUM "BUILDING COVERAGE" in percent			MAXIMUM "FLOOR AREA RATIO"  R= Residential N= Non- residential C= Combined	MINIMUM "LOT" DIMENSIONS				MINIMUM REQUIRED "YARD" DIMENSIONS (a) in ft. (see also Section 4.4)				MAXIMUM "HEIGHT" (see also Sec 4.4)		ACCESSORY STRUCTURES			FOOTNOTES	
	All "Buildings"	"Main Building"	"Accessory Buildings"		"AREA" in sq. ft. PER		"FRONTAGE" in ft.	"DEPTH" in ft.	"FRONT"	"ONE SIDE"	"TWO SIDES"	"REAR"	"STORIES"	FEET	MAXIMUM "HEIGHT" in ft.	MINIMUM DISTANCE in ft. TO			
					"LOT"	"DWELLING UNIT"										"ANY OTHER STRUCTURE IF NOT ATTACHED TO IT"	"SIDE LOT LINE"		"REAR LOT LINE"
C-O and PCD	10	--	5	N- 0.30 (ff)	10 acres	-- (gg)	350	--	75	80 (b,d)	200 (c,d)	150	4 (hh)	50 (ii)	25	--	100	150	(a) Applicable only to "buildings" and "structures" located above ground. (b) Where adjacent to a residential district, 200. (c) Where adjacent to a residential district on one side, 280; on two sides, 400. (d) "Parking lots" to be at least 100 ft. from any "side or rear lot line." (e) No "accessory buildings" permitted, except those accessory to "multi-family dwellings" and "parking garages" for private passenger vehicles. (f) Where the "building" is of fire-proof construction as approved by the Commissioner of Building, no minimum. (g) No "accessory building" permitted in a "side yard" of any individual areas, notwithstanding the subdivision or divided ownership of such site.
O-R	40	--	10	N- 0.80	5,000	1,500 (dd)	50	75	20 (ee)	8 (ee)	20 (ee)	25 (ee)	3 (ee)	40 (ee)	15	10	--	--	(h) Dimensional regulations apply to the entire area designated as a "development site" and are not applied to any individual areas, notwithstanding the subdivision or divided ownership of such site.
B-1	80	--	-- (e)	N- 2.00	--	800	--	--	--	--	--	--	4	50	-- (e)	-- (e)	-- (e)	--	(i) In the Central Parking Area, residential "FAR" may be increased to a maximum of 2.6 and non-residential "FAR" may be increased by 0.5 on issuance of a special permit by the Common Council.
B-2	50	--	10	N- 0.80	--	2,500	--	--	15	5	15	30	2	25	15	10	5 (f,g)	30	(j) "Usable open space" shall be provided in an amount to be determined by the approving agency.
B-3	80 (v)	--	10	N- 2.00 (i)	--	800 (w)	--	--	5	--	--	15	4	50 (x)	15	10	--	15	(k) The maximum "height" may be increased by 15 feet if the sidewalk level, ground floor space is used for the purposes set forth in Section 5.5.2.
BR-1 (j)	70	--	10	N- 0.8 (n)	--	700 (m)	--	--	5	--	--	25	--	35 (k)	15	10	12	12	(l) On development sites with a "lot area" greater than 50,000 square feet with "frontage" on at least 2 "streets," and where 80 percent or more of the total "FAR" is residential, the "FAR" may be increased to 5.5.
BR-2 (j)	70	--	10	N- 0.8 (n)	--	700 (m)	--	--	5	--	--	25	--	75	15	10	12	12	(m) 500 for "dwelling units" which address the purposes set forth in Section 5.5.1.6.
CB-1 (j)	80	--	10 (e)	N- 2.00 (o)	--	500	--	--	--	--	--	--	--	30 (k)	--	--	-- (g)	--	(n) Business non-residential "uses" are limited to sidewalk level, ground floor and second floor space. Residential "dwelling units" may be substituted for permitted non-residential "floor area" at a ratio of 1 "dwelling unit" for each 700 square feet of non-residential "floor area" and on issuance of a special permit by the Common Council.
CB-2 (h,j)	85 (v,z)	--	10 (e)	R/N/C- 2.00 (l,o,bb)	--	--	--	--	5 (y)	--	--	--	--	30 (k,v,z)	--	--	-- (g)	--	(o) Non-residential "FAR" may be increased by 0.4 if the sidewalk level, ground floor space is used for one of the purposes set forth in Section 5.5.2 and on issuance of a special permit by the Common Council.
CB-3 (h,j)	85 (v,z)	--	10 (e)	R/N/C- 3.00 (p,aa,cc)	--	--	--	--	5 (y)	--	--	--	--	125 (z)	--	--	-- (g)	--	(p) On development sites with a "lot area" greater than 50,000 square feet with "frontage" on at least 2 "streets," and where 50 percent or more of the total "FAR" is residential, the "FAR" may be increased to 5.5.
CB-4 (h,j)	80	--	10	R/N/C- 5.00 (p,aa,cc)	--	--	--	--	--	--	--	--	--	230 (z,aa)	72	--	-- (g)	--	(q) For a "mini-storage facility" see Section 4.4.28.
UR-4 (h,j)	85 (z)	--	10 (e)	R/N/C- 3.00 (p,aa,cc)	--	--	--	--	--	--	--	--	--	150	72	--	-- (g)	--	(r) [Reserved]
B-6 (h)	100	--	(e)	N- 6.00 (t)	--	--	--	--	--	--	--	--	--	90	-- (e)	-- (e)	-- (e)	-- (e)	(s) See Section 4.4.15.9 (t)
LI-M	80	--	10	R-3.00 N-2.00 C-3.000	5,000	--	50	--	--	--	--	--	4 (s)	50 (s)	25	10	--	--	(u) [Reserved]
LI	80 (q)	--	10	N- 2.00 (q)	5,000	--	50	--	--	--	--	--	4	50	25	10	--	--	(v) Except as provided in Section 5.5.3, in the Central Parking Area, any portion of a "building" exceeding 50 feet in "height" shall be limited to an aggregate "building coverage" of 60 percent on the overall site. Such "building coverage" may be increased on issuance of a special permit by the Common Council.
																			(w) 400 in the Central Parking Area. (x) In the Central Parking Area, residential floors may exceed the stated "height" by up to 100 feet on issuance of a special permit by the Common Council. (y) "Front yard" setback is required on all "frontages." (z) See Section 5.5.3.1. (aa) See Section 5.5.3.2. (bb) See Section 5.5.3.3. (cc) "Gross floor area" not developed or required for conformance to this Ordinance on a "lot" or designated "development site" may be transferred to a non-contiguous designated "development site" on issuance of a special permit by the Common Council. (dd) 600 for "assisted living facility." (ee) See Section 5.4.4.3. (ff) for residential "Floor Area Ratio" in the C-O District see Section 5.9; (gg) for residential "dwelling units" in the C-O District see Section 5.9; (hh) for residential height in "stories" in the C-O District see Section 5.9; and (ii) for residential height in feet in the C-O District see Section 5.9. (jj) No minimum area per dwelling unit shall be applied to existing



## 5.4 Additional Regulations for Residential Districts

- 5.4.1 Purposes: The residential districts established in this Ordinance are designed to promote the public health, safety and welfare as more fully explained in Section 1 of this Ordinance. In addition, the following specific purposes are set forth for residential districts:
- 5.4.1.1 To avoid, as far as possible, commercial traffic and through traffic of all kinds in residential areas.
  - 5.4.1.2 For one and two family districts, to promote and encourage a suitable environment for family life where safe "streets" and quiet neighborhoods are of paramount importance.
  - 5.4.1.3 For the RM-2.5 District, to provide a regulatory framework which encourages the preservation and improvement of existing neighborhoods, at a density closely approximating the existing density of development, and which will prevent the inappropriate conversion to more intensive residential and non-residential "uses" which has previously occurred.
  - 5.4.1.4 For the RM-2 District, to encourage integrated development of parcels near the center of the City with medium density residential development of a low-rise character, accompanied by appropriate open space and recreational facilities.
  - 5.4.1.5 For the RM-1.5, RM-1, RM-0.4 and RM-0.35 Districts, to provide for a supply of "dwelling units" suitable for families of all sizes, in locations which are convenient to shopping, transportation and community facilities, and where higher densities will allow for the development of new housing at a more moderate cost. The "height" and density requirements of these districts are such that low-rise "buildings" are permitted in fringe areas near the center of the City, and the mid- and high-rise "buildings" are permitted in the center of the City, all in locations consistent with the "Comprehensive Plan."
  - 5.4.1.5.1 For the RM-0.35, CB-2, CB-3, CB-4 and UR-4 Districts, in the Central Parking Area, to encourage the construction of additional "multi-family dwellings" serving a variety of income groups for both rental and ownership, and focusing on the needs of young professionals, seniors and others who would benefit from proximity to "restaurants," shops, employment opportunities, cultural opportunities and transportation, consistent with the "Comprehensive Plan." A minimum of 6 percent of new "multi-family dwellings" shall be affordable to moderate income families, based on income schedules published annually by the City of White Plains Department of Planning.
  - 5.4.1.6 For the RM-0.7 District, to provide low-rise, medium density "dwelling units" in locations convenient to employment, shopping, transportation and community facilities. It is intended to be a predominantly residential transition district between non-residential areas and established neighborhoods.

- 5.4.1.7 For the RM-1.5T Residential Townhouse District, to provide attached townhouse-style housing along entrance corridors and along the edges of neighborhoods. The RM-1.5T District is intended to provide attached housing in continuous "street"-front configurations.
- 5.4.2 Offices in Residences of "Professional Persons" and "Customary Home Occupations": One office of a "professional person" or a "customary home occupation" may be established in a "dwelling unit" as permitted in Sections 5.1 and 5.2 of this Ordinance, subject to the following:
- 5.4.2.1 Any such "use" must be located entirely within the "dwelling unit" of its practitioner and not elsewhere on the "lot" or in any "accessory building" or "structure."
- 5.4.2.2 No signs shall be permitted for "customary home occupations." For offices of "professional persons," one sign meeting the requirements of the Ordinance Relating to the Erection of Outdoor Signs and Awnings shall be permitted.
- 5.4.2.3 The primary individual involved in such "use" must be an inhabitant of the "dwelling unit."
- 5.4.2.4 For a "customary home occupation," no non-resident partner, associate or employee shall be permitted to work on the premises. In the office of a "professional person," no more than 1 non-resident partner, associate or employee shall be permitted to work on the premises.
- 5.4.2.5 No more than 1/4 of the "floor area" of 1 "story" of the "dwelling unit," or 400 square feet, whichever is less, shall be used for such purposes.
- 5.4.2.6 The office of a "professional person" is prohibited above the first "story" of a "multi-family dwelling" unless it is so situated as to be independent from the rest of the "building" and to have a separate access.
- 5.4.3 Improved Recreation Areas: Wherever there are 8 or more "dwelling units" hereafter erected on a "lot" in an RM-2, RM-0.4, RM-0.35, CB-1, CB-2, CB-3, CB-4 or UR-4 District, there shall be provided improved recreation areas which may be included as part of any required "usable open space."
- 5.4.4 "Multi-Family Dwellings": "Multi-family dwellings" shall meet the following requirements:
- 5.4.4.1 Placement of "buildings" and the distance between them shall be as required by the agency approving the "site plan," but the distance between any two "buildings" must be at least 20 feet, and not less than the "height" of the taller "building."
- 5.4.4.2 Where located in a "building" also containing a non-residential "use," the "multi-family dwellings" shall be separated from the non-residential "use" by unpierced firewalls and ceilings and shall be provided with a separate entrance.

- 5.4.4.3 For development of “assisted living facilities” in the O-R District, the minimum “yard” dimension and the maximum “height” in “stories” and/or feet, shall be as required by the agency approving the “site plan.”
- 5.4.4.4 Minimum "yard" dimensions for development of 25 or more "dwelling units" in an RM-2.5 District shall be 60 feet for a "front yard," 50 feet for one "side yard," 125 feet for two "side yards" and 30 feet for a "rear yard."
- 5.4.5 Special Regulations for the RM-1.5T District: In addition to the provisions of Section 5.3, the following provisions shall also apply in the RM-1.5T Residential Townhouse District:
  - 5.4.5.1 Individual attached townhouse "dwelling units" or “attached dwelling units" in a townhouse-over-flat configuration shall share in common side walls or walls with another "dwelling unit" or "units” in continuous rows generally parallel to the fronting “street”, but no such row shall be longer than 8 units or 160 feet along its longest axis, whichever is less.
  - 5.4.5.2 Where a "lot" in the RM-1.5T District abuts a property in any other residential district, there shall be a minimum "side yard" setback equal to the required one "side yard" dimension for the abutting district.
  - 5.4.5.3 Except as provided for in Section 5.4.5.2, if units are attached by common or party walls in a continuous row the one "side" and two "side yard" dimensions may be reduced up to 0 feet one "side yard" and 0 feet two "side yards" by the approving agency, subject to (a) a finding by the approving agency that the “dwelling units” meet all Building and Fire Prevention Code requirements with respect to building separation; and (b) the design contributes to the enhancement of the corridor or area in which it is located.
    - 5.4.5.4 Separations between continuous rows of "dwelling units" shall be not less than 20 feet in width.
    - 5.4.5.5 The maximum "building length” shall be no more than 50 feet along the side of the "building" facing the "side yard."
    - 5.4.5.6 To the maximum extent practicable, driveways of units of a continuous row of "dwelling units" shall be combined so as to minimize the number and frequency of curb cuts into the public "street."
    - 5.4.5.7 To enhance the visual impact of a continuous row of "dwelling units" of three or more attached townhouse “dwelling units,” or “attached dwelling units” in a townhouse-over-flat configuration for properties located on State or County roads, all off-“street” parking shall be provided in the rear of the "buildings."
    - 5.4.5.8 No garbage collection or recycling receptacles shall be permanently permitted in the "front yard."

## 5.5 Additional Regulations for Non-Residential Districts

- 5.5.1 Purposes: The business and industrial districts established in this Ordinance are designed to promote the public health, safety and welfare as more fully explained in Section 1 of this Ordinance. In addition, the following specific purposes are set forth for non-residential districts:
- 5.5.1.1 The C-O District is a low-density, campus-style predominantly office district which is intended to encourage the development of modern "buildings" containing a variety of office and non-residential "uses," along with ancillary and "accessory uses" in landscaped settings which respond to the demand for suburban-style sites appropriate to the role of the City as a regional office center. A "Planned Campus Development District" may be mapped by the Common Council on one or more properties located in the C-O District which "Planned Campus Development District" may include "uses" permitted in the C-O District and mixed residential, retail and office uses as defined and described in Section 5.9 of this Ordinance.
  - 5.5.1.2 The O-R District is a transitional type zone located between predominantly residential areas and predominantly non-residential areas. It allows a variety of "uses" with some of the characteristics of both the residential and non-residential areas, such as small office buildings, "two family" and "multi-family dwellings," hospitals, clubs, banks, etc. It is intended to halt the pressure for expansion of non-residential areas into residential neighborhoods by providing such a clearly defined transitional area.
  - 5.5.1.3 The B-1 District is a relatively low-density, predominantly retail district which encompasses large high-fashion department stores and smaller specialized retail shops and boutiques, "restaurants" and office "buildings," in addition to allowing "multi-family dwellings" convenient to places of work.
  - 5.5.1.4 The B-2 District is a low-density neighborhood retail district containing retail and service business "uses" of a limited nature appropriate to serve the convenience shopping needs of neighboring residential areas.
  - 5.5.1.5 The B-3 District is a general retail district containing a wide variety of retail, office and service business "uses" as well as "multi-family dwellings." The majority of "uses" in the district are of a service character and the district is located predominantly along the major arterial commercial "streets" of the City.
  - 5.5.1.6 The BR-1 and BR-2 Districts are primarily low- to mid-rise, medium-density residential districts in convenient proximity to the City's business areas and adjacent to established neighborhoods. They are designed to encourage the construction of additional "multi-family dwellings" serving a variety of income groups for both rental and ownership, and focusing on the needs of young professionals, seniors and others who would benefit from proximity to "restaurants" shops, employment opportunities, cultural opportunities and transportation, consistent with the "Comprehensive Plan," and with

non-residential "uses" intended primarily for retail pedestrian shopping at the ground floor level.

- 5.5.1.7 The CB-1 District is primarily a pedestrian-oriented, low to medium density retail and personal services business area located at the edge of the higher density sections of the City's central business district. This District is a gateway to the downtown area.
  - 5.5.1.8 The CB-2 District is a medium to high density residential, major retail, personal services, office and government "use" section of the central business district. It is designed to encourage a compatible and mutually supportive balance of non-residential and residential "uses" in such a way as to increase convenience and decrease reliance on the automobile. High-density hi-rise housing is encouraged to be built on large sites.
  - 5.5.1.9 The CB-3, CB-4 and UR-4 Districts are high-density, mixed-use areas encompassing the core of the City's central business district. Appropriate to the City's role as a regional center, these Districts permit a combination of residential, retail, office, government, business, service, cultural and entertainment "uses." These Districts also encourage high-density hi-rise housing to be built on larger sites.
  - 5.5.1.10 The B-6 District is designed for super-regional enclosed shopping malls, with accompanying parking and other facilities commonly found accessory to such "uses."
  - 5.5.1.11 The LI District is a light industrial district, located in areas of good highway or rail access which have already developed an industrial character. New residential development is excluded from this district, both to protect "dwellings" from an undesirable living environment and to ensure the reservation of adequate areas for light industrial "uses."
  - 5.5.1.12 The LI-M District is a mixed use district located near a public transportation center, which is intended to: encourage vibrant neighborhoods with a mix of uses ranging from residential to light industrial; incentivize adaptive reuse of existing "buildings" for residential use to increase neighborhood vitality and retain existing character; revitalize vacant and/or underutilized properties; continue to provide areas for light industrial businesses to operate and serve the community; and protect adjoining residential uses from the negative impacts of incompatible manufacturing uses.
- 5.5.2 Business Residential (BR) and Core Business (CB) Districts: For the purpose of preserving and enhancing the present and future pedestrian retail shopping pattern at the sidewalk level along commercial "street" frontage, the "use" of ground floor space in BR, CB and UR Districts shall, in general, be limited to retail stores, personal service businesses, eating and drinking establishments, cultural and entertainment facilities and other similar types of commercial "uses" permitted in the particular district in which the

property is located. The specific type, location, design and arrangement of these "uses" shall be subject to review and approval by the approving agency as a part of the required "site plan" or special permit application.

5.5.3 Additional Core Business (CB) District Dimensional Standards

5.5.3.1 In the CB-2 or CB-3 Districts, setbacks from a "street" shall be as shown on the following table:

"Height"	"Frontage" on			
	Mamaroneck Avenue or East Post Road		All other "streets"	
	<u>CB-2</u>	<u>CB-3</u>	<u>CB-2</u>	<u>CB-3</u>
Up to 45 feet	5 feet	5 feet	5 feet	5 feet
45 feet to 90 feet	25 feet	5 feet	15 feet	15 feet
Over 90 feet	25 feet	25 feet	15 feet	15 feet

5.5.3.2 In the CB-3, CB-4 and UR-4 Districts, for “development sites” or “lots” greater than 50,000 square feet, and where 50 percent or more of the “floor area ratio” is residential, the requirements set forth in the tables below shall apply.

“Height”	Maximum “Building Coverage”	“Usable Open Space”
<b>Sites from 50,000 to 99,999 square feet</b>		
Up to 90 feet	85%	To be determined by the approving agency
91 feet to 180 feet	60%	To be determined by the approving agency
91 feet to 230 feet	40%	To be determined by the approving agency
<b>Sites from 100,000 to 200,000 square feet</b>		
Up to 90 feet	85%	To be determined by the approving agency
91 feet to 180 feet	60%	To be determined by the approving agency
91 feet to 230 feet	40%	To be determined by the approving agency
91 feet to 280 feet	30%	To be determined by the approving agency, but no less than 20%
<b>Sites over 200,000 square feet</b>		
Up to 90 feet	85%	To be determined by the approving agency
91 feet to 180 feet	40%	To be determined by the approving agency
91 feet to 230 feet	30%	To be determined by the approving agency
91 feet to 280 feet	20%	To be determined by the approving agency, but no less than 20%
by special permit 91 feet to 350 feet	20%	To be determined by the approving agency, but no less than 20%

<b>Sites over 300,000 square feet located all or partially within the CB-4 District</b>		
Up to 90 feet	85%	To be determined by the approving agency
91 feet to 180 feet	40%	To be determined by the approving agency
91 feet to 230 feet	30%	To be determined by the approving agency
91 feet to 280 feet	20%	To be determined by the approving agency, but no less than 20%
by special permit 91 feet to 350 feet	20%	To be determined by the approving agency, but no less than 20%
by special permit 351 to 400 feet (residential only)	20%	To be determined by the approving agency, but no less than 20%

5.5.3.3 In the CB-2 District, for “development sites” or “lots” greater than 50,000 square feet and where 80 percent or more of the “floor area ratio” is residential, the requirements set forth in the table below shall apply.

“Height”	Maximum “Building Coverage”	“Usable Open Space”
Up to 45 feet	85%	To be determined by the approving agency
46 feet to 180 feet	60%	To be determined by the approving agency
46 feet to 230 feet	40%	To be determined by the approving agency

**5.6 "Uses" of Other Governments**

5.6.1 Introduction: The City of White Plains recognizes the necessity, in furtherance of the public health, safety and welfare, for governments other than that of the City to locate "uses" within the City of White Plains. Absolute immunity from the requirements of this Ordinance for other governments can, however, undermine one of the essential purposes of zoning, which is to rationally coordinate land “use” planning to promote orderly development and the preservation of property values. To ensure that other governments will not unnecessarily prejudice the welfare of the citizens of the City of White Plains in furtherance of the welfare of their constituencies, the Common Council will examine proposed "uses" of other governments and balance the competing public interests represented by such other governments against those represented by the City of White Plains.

5.6.2 General Rule: No "use" of a government or public authority other than that of the City of White Plains may be established or enlarged without obtaining a governmental "use" permit from the Common Council.

5.6.3 Application: Application for a governmental "use" permit shall be made in 10 copies to the Common Council at a meeting of the Council. It shall include a detailed development plan complying with the requirements of Section 7 of this Ordinance for "site plans," as well as a

written statement describing the nature of the proposed "use" and how it will serve to implement the purposes of this Ordinance and further the public welfare.

- 5.6.4 Review by Other Agencies: Upon receipt of a completed application, the Common Council may forward copies for review and report to such officials and agencies of the City as it deems appropriate. Such agencies shall have 30 days from the date of forwarding to submit a report. In addition, copies shall be forwarded with a notice of any public hearing to the Westchester County Planning Board when such proposed development abuts a State or County highway, park, drainage channel or "building" site, and to the clerk of any abutting municipality where the property proposed for such development is located within 500 feet of such municipality, in accordance with Sections 277.61 and 277.71 of the Westchester County Administrative Code.
- 5.6.5 Public Hearing: The Common Council may, in its discretion, hold a public hearing on an application for a governmental "use" permit. Any such public hearing shall be scheduled and conducted within 60 days of the date a completed application is received, unless this time limit is waived by the applicant. Public notice and notice to owners of property with the "area affected" shall be the same as that required for zoning amendments, as set forth in Section 12 of this Ordinance.
- 5.6.6 Common Council Action: Within 60 days of the date of any public hearing, or within 60 days of the receipt of a completed application if no public hearing is held, unless either time limit is waived by the applicant, the Common Council shall approve, approve with conditions, or disapprove the application. The Common Council may approve the application and issue a governmental "use" permit where it finds that the standards of Section 5.6.7 have been met. The Common Council may approve such application conditionally, and issue a governmental "use" permit with conditions attached, where it finds such conditions necessary to insure initial and continual conformance with the standards of Section 5.6.7.
- 5.6.7 Standards: A governmental "use" shall meet either of the following standards:
- 5.6.7.1 It shall be essentially consistent with the purposes and requirements of this Ordinance for the district in which it is to be located; or
  - 5.6.7.2 In balancing the interests and needs of the citizenry represented by the applicant against those of the citizenry of the City of White Plains, it shall be clear that the interests and needs of the citizenry represented by the applicant are more vital with respect to the particular "use," taking into account:
    - 5.6.7.2.1 The public health, safety and welfare on a regional or Statewide basis, as applicable.
    - 5.6.7.2.2 Predicted effects on the area-wide land "use" pattern, the natural environment, noise, traffic congestion and public services.
    - 5.6.7.2.3 Expected impacts on surrounding landowners.

5.6.7.2.4 The adequacy of accessory services and facilities proposed as a part of such governmental "use," such as parking and landscaping.

5.6.7.2.5 The availability of feasible alternative locations for such proposed governmental "use" or of alternative methods of meeting the need for such "use."

## 5.7 "Conservation Development"

5.7.1 Purposes: It is the purpose of this section to encourage flexibility of design and development of land in such a manner as to preserve its natural and scenic qualities, minimize negative environmental impacts, facilitate the adequate and economical provision of "streets" and utilities, reduce flood hazards, improve the aesthetic quality of new residential development, provide for excellence in architectural design of residential "buildings," increase recreational opportunities, encourage the conservation of energy, and otherwise promote environmentally desirable housing in connection with the future development of the City's residentially zoned land by granting flexibility to the Planning Board to modify, change or supplement applicable provisions of this Ordinance, simultaneously with the approval of subdivision plats, as recommended in the "Comprehensive Plan." The Planning Board is hereby granted the powers and duties authorized by Section 37 of the General City Law, subject to the standards, conditions and limitations set forth herein.

5.7.2 Eligibility: The following are the minimum requirements for establishing the eligibility of any property for "conservation development" approval by the Planning Board.

5.7.2.1 Zoning Districts: This section applies only to properties within the R1-30, R1-20, R1-12.5, R1-7.5 and R1-5 Districts, excluding those which are designated in the category of Major Public and Private Recreation and Open Space on the Land Use Plan Map of the "Comprehensive Plan."

5.7.2.2 Size of Property: Except pursuant to Section 4.4.25.3, this section applies only to properties of not less than 5 acres if the proposed "dwelling units" are all to be "detached" and not less than 10 acres if some or all of the proposed "dwelling units" are to be "attached." Properties separated by a "street" or "streets," other than a paper "street," shall be considered as separate parcels for the purposes of this Section.

5.7.2.3 Applicant Request: Except in the case of a "conservation development" containing, involving or affecting an "environmentally sensitive site or feature," in which case neither a request nor consent by the property owner shall be required, a "conservation development" may be authorized only upon a written request from the property owner and only where the Planning Board determines that, as approved, the development will be in accordance with the standards contained herein and will be of benefit to the City by satisfying one or more of the purposes as set forth in Section 5.7.1 hereof. At any time during the application review process, but prior to the approval of the preliminary plat, the Planning Board may determine that the proposed "conservation development" would not meet the purposes as set forth in Section 5.7.1 hereof and shall

thereupon send written notification of this determination to the applicant, which notification shall automatically terminate the "conservation development" review process.

5.7.3 Development Standards and Controls: Except as modified by the Planning Board pursuant to the authority hereby conferred, all regulations normally applicable to residential "uses" in the zoning district in which the property is located shall apply. In addition, the following standards and controls are hereby established as the minimum/maximum requirements, as the case may be, but may be made more restrictive where such is determined appropriate by the Planning Board, based upon a consideration of the particular circumstances of the individual application, to satisfy the purposes as set forth in Section 5.7.1 hereof.

5.7.3.1 Density: The number of "dwelling units" or building "lots" permitted 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 all normally applicable requirements of this Ordinance, the Requirements for Approval of Subdivision Plans, and the Freshwater Wetlands Ordinance of the City of White Plains. The basis for this determination by the Planning Board shall be a sketch layout of a conventional subdivision of the subject property, prepared by a licensed professional engineer and submitted by the applicant, and including topography, wetlands, waterbodies, watercourses, other natural features, and such other information as may be required by the Planning Board to assist them in making their determination.

5.7.3.2 Permitted "Uses":

5.7.3.2.1 Permitted principal "uses" shall be limited to "detached dwelling units" and "attached dwelling units," plus recreation and open space "uses," and other commonly-owned or operated facilities. Commonly-owned "swimming pools" shall be limited to areas reserved and designated for active recreation purposes and shall be subject to the regulations set forth in Sections 4.4.24 and 6.7.3 of this Ordinance, as may be modified by the Planning Board. A special permit shall not be required for such "swimming pool" but the minimum setback standards as set forth in Sections 5.7.3.4.1 and 5.7.3.9.3 below shall apply.

5.7.3.2.2 Permitted "accessory uses" shall be limited to minor accessory "structures"; "private garages," carports and open parking for private passenger vehicles in number approved by the Planning Board, and parking for special vehicles pursuant to Section 5.7.3.6.5 of this Ordinance.

5.7.3.2.3 Special permit "uses" shall be limited to a "swimming pool" as an "accessory use" to a detached "one family dwelling," except where a commonly-owned "swimming pool" is provided or planned. Any

such accessory "swimming pool" shall be subject to Sections 4.4.24 and 6.7.3 of this Ordinance and the minimum setback standards as set forth in Section 5.7.3.4.1 below shall apply.

5.7.3.3 "Building" Dimension Requirements: The maximum permitted "building" "height" requirements shall be the same as otherwise applicable in the zoning district in which the property is located. On properties containing less than 15 acres, all of the "dwelling units" shall be in "buildings" containing 3 or fewer "dwelling units" and having a maximum "length" along their longest axis of not exceeding 80 feet. On properties containing 15 acres or more, at least one-half of the "dwelling units" shall be in such "buildings" but the remainder may be in "buildings" containing 4 attached "dwelling units" and up to 100 feet in maximum "length."

5.7.3.4 "Lot Area," "Coverage," "Yard" and Screening Requirements: The normally applicable minimum "lot area," maximum "coverage," and minimum "yard" requirements for "dwellings" in the zoning district in which the "conservation development" is located may be modified to the extent determined necessary or appropriate by the Planning Board to achieve the purposes of this authorization, provided, however, that:

5.7.3.4.1 The minimum required setback for "buildings," "structures," and "parking lots" from the perimeter of the property line of any "conservation development" shall be as set forth in the following table:

<b>Minimum Required Setback (in feet) from Adjacent Properties and "Streets" in One or One and Two Family Residence Districts For:</b>			
<b>Property Size (acres)</b>	<b>"Detached Dwelling Units"</b>	<b>"Attached Dwelling Units"</b>	<b>"Accessory Buildings," "Structures" and "Parking Lots"</b>
5-10	50 feet	Not Permitted	50 feet
10-25	60 feet	80 feet	65 feet
over 25	75 feet	100 feet	75 feet

In any case, the Planning Board may require increased perimeter setbacks beyond the above minimums wherever said Board determines that such increased setbacks are warranted by the topography, the nature of existing vegetation, the relationship to neighboring properties and land "uses," and other such similar factors.

5.7.3.4.2 The Planning Board may prohibit the location of roadways, driveways, "parking lots," "recreation facilities," or other such

improvements within the above required "yard" areas, and may require the installation of such landscaping, fencing or other features as the Planning Board may determine appropriate for buffer screening purposes.

5.7.3.4.3 The average "coverage" of the land with "buildings" over the entire property shall not exceed the amount permitted in the zoning district in which it is located.

5.7.3.5 Distance Between "Buildings": The minimum permitted distance between "buildings" containing more than one "dwelling unit" within a "conservation development" shall be at least equal to the maximum height above ground level at any point of the highest wall of the "buildings," except that the Planning Board may allow a reduction in such "building" separation where said Board determines that a lesser distance will satisfy the intent of this requirement by virtue of topographic conditions, landscaping, or other special circumstances.

5.7.3.6 Off-"Street" Parking:

5.7.3.6.1 Off-"street" parking shall be provided within each "conservation development" at the rate of not less than 2 "parking spaces" for each "dwelling unit" plus  $\frac{1}{2}$  "parking space" per bedroom for each bedroom in excess of 2.

5.7.3.6.2 Where determined appropriate by the Planning Board, additional "parking spaces" designed specifically for visitors and guests may be required to serve "one family detached dwelling units."

5.7.3.6.3 No less than  $\frac{1}{2}$  nor more than  $\frac{2}{3}$  of the minimum required off-"street" "parking spaces" serving "attached dwelling units" shall be enclosed. Of the "parking spaces" not enclosed, an amount equal to at least  $\frac{1}{3}$  of the minimum required total number of "parking spaces" shall not be reserved for the "use" of the residents of specific "dwelling units" and shall at all times be open and available for the use of visitors and guests, as well as other residents.

5.7.3.6.4 Off-"street" "parking lots" shall be appropriately located, designed, landscaped, lighted and screened so that they are well related to the topography and will harmonize with the residential character and scale of "buildings" on the property and on adjoining properties. In general, such "parking lots" shall not contain more than 10 contiguous "parking spaces" uninterrupted by landscaping or other forms of spatial or visual separation.

5.7.3.6.5 In addition to the above requirements for the provision of off-"street" parking, upon the request of the applicant, the Planning Board may approve the location, design and construction of facilities specifically

designated for the storage of special vehicles and equipment owned by and for the private "use" and enjoyment of the residents of the "conservation development," but excluding any vehicles or equipment except as otherwise permitted by this Ordinance as "accessory uses" to "one family dwellings" in the zoning district in which the property is located.

- 5.7.3.7 "Streets": All "streets" may be offered for dedication to the City of White Plains. They shall be constructed in accordance with the standards and specifications of the City Department of Public Works but may be reduced to not less than 80% of the normally required width of the paved travelway, or otherwise modified, if such change is recommended by the Planning Board and approved by the Commissioners of Public Works and Public Safety, based upon a determination that reasonable standards of safety are maintained, consistent with the anticipated nature and amount of traffic which will be using such "streets" and consistent with other environmental considerations.
- 5.7.3.8 Driveways and "Parking Lots": All driveways, "parking lots" and related facilities which are to be privately owned and maintained shall also be constructed to the standards and specifications of the City Departments of Public Works and Building, and shall be similarly subject to modification as set forth in Section 5.7.3.7 above.
- 5.7.3.9 Common Lands and Facilities:
  - 5.7.3.9.1 Where a "conservation development" approved pursuant to this authorization results in the permanent preservation of open spaces or the creation of other commonly used lands or facilities, including "streets," driveways and "parking lots," their location, design, ownership and "use" shall be as approved by the Planning Board, using as a guide the "Comprehensive Plan" and the concept of creating a coordinated system of open spaces, with public access between them, as well as the purposes as set forth herein and in Section 37 of the General City Law.
  - 5.7.3.9.2 Subject to such approval by the Planning Board, the ownership of common lands and facilities shall be held under one or a combination of the following arrangements:
    - 5.7.3.9.2.1: As a general rule, all such lands and facilities shall be owned by a property owners association as described in Section 5.7.3.9.2.4 below.
    - 5.7.3.9.2.2: The lands and facilities may be conveyed to a recognized conservation organization dedicated to the preservation and maintenance of open space, provided such organization has indicated its

agreement to maintain such lands and further provided such organization is acceptable to the Common Council.

5.7.3.9.2.3: Such lands and facilities may be dedicated to the City of White Plains provided public access is assured and the Common Council has voted to accept such offer.

5.7.3.9.2.4: All or the balance of common lands which are not to be conveyed or dedicated in accordance with Sections 5.7.3.9.2.2. or 5.7.3.9.2.3 above, and any private common facilities, shall be owned and maintained by a property owners association, subject to the following requirements:

5.7.3.9.2.4.1: The property owners association shall be a legal entity including but not limited to a condominium corporation, cooperative corporation or a "not-for-profit" membership "corporation" created by a trust agreement or certificate of incorporation, approved as to form and sufficiency by the Corporation Counsel, and designed to assure the permanent preservation and protection of the common lands and any improvements thereon for their intended purpose.

5.7.3.9.2.4.2 The property owners association shall be made responsible for the continued future maintenance, ownership and "use" of all such common lands and facilities.

5.7.3.9.2.4.3: The property owners association shall not be permitted to be dissolved and shall not dispose of any common land or any improvements thereon or thereunder, by sale or otherwise, except to an organization established to own and maintain such common land and improvements as herein above referred to and subject to the same restrictions on maintenance and "use" as the first such legal entity, as well as approval by the Planning Board as set forth above.

5.7.3.9.2.4.4: The property owners association shall be subject to an agreement with the City

providing that in the event it, or any successor organization, shall at any time after approval of the development fail to maintain the common land or any improvements thereon in reasonable order or condition in accordance with the approved plan, the City may serve written notice upon such legal entity or successor organization, or upon the property owners within the development, setting forth the manner in which the association has failed to maintain the common land or any improvements thereon and said notice shall include a demand that such deficiencies be corrected within a designated time frame. If the deficiencies are not corrected within the designated time frame, the City of White Plains, in order to preserve the taxable values of the property within the development and to prevent the common land and improvements thereon from becoming a public nuisance may enter upon and take possession of said common land and improvements and maintain the same until such time as the Common Council shall determine that the property owners association is ready and able to maintain the common land and improvements in proper condition. Said entry and maintenance shall not vest in the public any rights to use the common land or improvement except when the same is voluntarily dedicated to the public by the property owners association and the offer of dedication is accepted by the Common Council. The decision of the City with respect to the action described in this Section shall constitute a final administrative decision subject to review in accordance with the provisions of Article 78 of the Civil Practice Law and Rules. The cost to the City of any such maintenance shall be assessed against the properties within the "conservation development" and, in the event of the failure or refusal of any property owner to pay any such charges when due, the unpaid amount thereof shall become a lien against his property and, together with

interest from the due date thereof, shall be included in the annual tax levy of the City upon such property for each such fiscal year, and the amount so levied shall be collected in the same manner as other City taxes.

5.7.3.9.2.4.5 The property owners association agreement shall require that every property owner within the "conservation development" shall automatically be and become a member of the association and shall be subject to a charge for a proportionate share of expenses of the association's activities, including but not limited to the maintenance and operation of the common land and improvements thereon. The charge shall be a lien upon the residential property in the event it remains unpaid by the property owner for a period of more than 60 days after assessment thereof by the governing body of the property owners association. The obligation of each property owner to pay a proportionate share of the association's expenses may be enforced by an action in the name of the association or by the City as provided in Section 5.7.3.9.2.4.4, or in the name of both.

5.7.3.9.3 In general, common open space land areas shall be preserved in their natural state and their "use" shall be limited to appropriate conservation and passive recreation purposes. A portion of such common open space, not to exceed 10% of the gross land area of the "conservation development," may be reserved and designated for active recreation purposes, provided the size, shape, access and location of such area is approved by the Planning Board. In so doing, the Planning Board shall require a location for such active recreation area which will minimize the potential noise impact of such "uses" upon existing neighborhood residences, consistent with other valid planning considerations, but in no case shall such active recreation area be closer than 150 feet from any existing single family residential "lot." Within a designated active recreation area, there may be located "swimming pools," ball fields, facilities for court games, club houses, playground equipment, and so forth, provided the "use" of all such facilities shall be limited to the residents of the "conservation development" and their guests, and further provided that such facilities shall be subject to "building plan" approval by the Planning Board.

5.7.3.9.4 The permanent preservation of common open space lands and facilities for their intended purposes shall further be legally assured to the satisfaction of the Planning Board and the Corporation Counsel by the filing of appropriate covenants, deed restrictions, easements, or other forms of agreement. The permitted "uses" within such areas shall be limited to those specifically approved by the Planning Board and shown on the subdivision plat, plus "uses" customarily incidental and "accessory" thereto. Subsequent to the approval of the subdivision plat, the "uses" permitted within privately owned common land areas may be modified only upon approval by the Planning Board and only upon application by the entity owning such common land area. In each such case, a public hearing shall be held with the same notice as required by law for final subdivision plats. Such modification may permit a "use" in the same general category of "uses" previously approved or may allow a change in the location of a particular "use" from one portion of the common land areas to another.

5.7.3.9.5 Dedication of the common land areas, including any common facilities or improvements thereon, to the common "use" of all property owners within the "conservation development" shall be recorded directly on the subdivision plat to include a declaration of covenants, conditions and restrictions in a separate document recorded or to be recorded at or about the time of the filing of the approved subdivision plat. Such declaration of covenants, conditions and restrictions shall permanently grant to each property owner in common with all other property owners within such "conservation development" an easement in and to the common land areas and the common facilities thereon and of the "use" thereof.

5.7.4 Application Procedure: In addition to complying with the normally applicable procedures and requirements for subdivision plat review and approval as set forth in the Requirements for Approval of Subdivision Plans, applicants for "conservation development" approval shall also comply with the following additional requirements:

5.7.4.1 Informal Review: Prior to submitting a formal application for approval, the applicant shall prepare and submit jointly to the Planning Board and the Department of Planning 6 copies of the following:

5.7.4.1.1 A sketch of a conventional subdivision layout of the property prepared in accordance with Section 5.7.3.1 above;

5.7.4.1.2 A sketch of the proposed development concept; and

5.7.4.1.3 A brief analysis, in written and graphic form, explaining the nature and extent of the requested modifications of the zoning standards

needed to implement the proposed development concept, the planning purposes of Section 5.7.1 hereof to be accomplished by the proposed plan, and the benefits to the City and to the immediately surrounding neighborhood of applying this approach as compared to allowing a conventional subdivision on the subject property.

The applicant and the licensed professional engineer preparing the sketch shall attend a preliminary, informal meeting with the Planning Board and the Commissioner of Planning for the purpose of presenting and discussing this proposal. The Commissioner of Planning shall refer a copy of the informal proposal to such other City boards, agencies and departments as appropriate. The Commissioner shall also refer a copy of the informal proposal for review and comment to the neighborhood association(s), as shown on the Department of Planning map of neighborhood associations, representing the neighborhood(s) within which the proposed development is located and to those representing neighborhoods located within 500 feet of such development. In addition, the applicant shall send notice of the filing of the informal plan by certified mail to all property owners within 300 feet of the proposed subdivision. The notice shall indicate that a complete copy of the informal proposal is available for public inspection in the office of the Planning Department during regular business hours. Following this, and within 35 days after submission of the informal proposal, the Planning Board shall respond to the applicant with general comments and the recommendations concerning the proposal and the potential applicability of this approach to the subject property.

- 5.7.4.2 Preliminary Application: Application for preliminary approval pursuant to this Section shall be submitted and reviewed as required for a preliminary plat plan and application as set forth in the Requirements for Approval of Subdivision Plans, including compliance with the applicable provisions of Chapter 3-6 of the Municipal Code of the City of White Plains, such as the submission of a Storm Water Pollution Prevention Plan (SWPPP). In addition, each such application shall be accompanied by a preliminary "building plan" showing the maximum number of "dwelling units" that may exist on each proposed "lot" and in each proposed "building," the minimum "yard" requirements, proposals for the location and design of all "streets," "driveways", "parking lots," screening, landscaping, open spaces and recreation areas, architectural features (including size, design and materials) of all proposed "buildings," the relationship of the proposed development to adjacent land "uses," and such other information as the Planning Board determines may be reasonably related to the health, safety and general welfare of the community.

A copy of the application and the preliminary "building plan" shall be mailed to the neighborhood association(s) representing the neighborhood(s) within which

the proposed "conservation development" is to be located and to any such association(s) representing a neighborhood located within 500 feet of such development, as well as to such City boards, agencies and departments as the Planning Board may determine appropriate. In addition, the applicant shall send notice of the filing of the "conservation development" application by certified mail to all property owners within 300 feet of the proposed subdivision. Such notice shall indicate that a complete copy of the application and the development proposal is available for public inspection in the office of the Department of Planning during regular business hours.

If the Planning Board finds that the appropriate "use" of adjoining land is reasonably safeguarded, that the proposed preliminary plat and "building plan" are consistent with the public health, safety and welfare and will achieve one or more of the purposes as set forth herein, that those plans are in accordance with these regulations and the "Comprehensive Plan," and that they comply with all other applicable standards and requirements, said Board may approve the preliminary application. If the Planning Board does not so find, the preliminary application shall either be disapproved or approved with modification designed to achieve such compliance.

Prior to formally accepting the application for preliminary approval under this Section, it shall be reviewed by the Commissioner of Planning who shall verify whether it complies with all technical requirements for submission, including the certification by the Planning Board that all requirements of the State Environmental Quality Review Act ("SEQRA") have been met. Thereafter, all necessary notices, determinations and hearings required by the SEQRA shall be accomplished in accordance with the requirements of that Act and coordinated to the maximum extent possible with review under this Section.

- 5.7.4.3 Final Application: Application for final approval pursuant to this authorization shall be submitted to and reviewed by the Planning Board in accordance with the procedures as required for a final plat plan in the Requirements for Approval of Subdivision Plans, including compliance with the applicable provisions of Chapter 3-6 of the Municipal Code of the City of White Plains, such as the submission of a Storm Water Pollution Prevention Plan (SWPPP). In addition, the applicant shall submit for approval the proposed "building plan" and the proposed final versions of all other related plans and documents approved as a part of the preliminary application. All such elements of the final application shall comply with the requirements of the preliminary approval.
- 5.7.4.4 Public Hearing: In addition to the public hearing and notice requirements for final plats as contained in the Requirements for Approval of Subdivision Plans, (1) the distance requirement for the mailing of notice to neighboring property owners as set forth in Section 9.5 of those Requirements shall be increased to 300 feet; and (2) if a portion of the property is within the protectively zoned areas of a housing project authorized under the Public Housing Law or is within 50 feet of the City boundary, notice shall be sent to such other agencies and

officials as required by Section 37 of the General City Law.

- 5.7.4.5 Planning Board Action: Within 45 days of the date of submission of an application for final "conservation development" approval, the Planning Board shall act either to approve, modify and approve, or disapprove such application. If the action of the Planning Board is to grant approval for the "conservation development," such action shall include approval of the final "building plan," with or without modifications, including any conditions or requirements attached thereto. Such approval shall modify, change, or supplement the zoning regulations of the property shown on the final plat within the limitations as set forth herein.

If a performance bond is approved by the Planning Board in lieu of the completion of the construction of required improvements prior to the filing of the final plat, the Planning Board may require such bond to be adequate in amount to cover the installation of landscaping and the construction of "recreation facilities," off-"street" "parking lots" and other site features and common facilities as shown on the approved final plans, as well as roads, utility lines, and other site improvements, as provided by Section 9.3 of the Requirements for Approval of Subdivision Plans of the City of White Plains. In addition, the Planning Board may require that a maintenance bond, equal in amount to 10% of the amount of the performance bond, be retained by the City for a period of 1 year from the date of final release of the performance bond to guarantee the satisfactory installation and performance of all such required improvements.

- 5.7.4.6 Filing of Plat: The approved final plat shall be filed in the Westchester County Clerk's Office. Within 3 working days of such filing, a copy of the approved final plat shall also be filed in the City Clerk's Office, the Department of Public Works, the Department of Building and the Department of Planning, each of which shall be accompanied by a copy of the approved final "building plan." The restrictions and regulations promulgated by the Planning Board with respect to the property thereon by reason of the authority conferred upon it by the Common Council shall take the place of any other regulations previously established for such property. They shall be enforced in the same manner as other zoning regulations and shall be similarly subject to change. Any future change in the filed plat or the approved final "building plan" shall require approval by the Planning Board in accordance with the same procedure as set forth above for final application approval.

- 5.7.4.7 Construction Progress Supervision and Reporting: At any time during or upon completion of the construction process, the Planning Board may request a report from the Commissioner of Building for compliance of work in relation to the Planning Board's requirements as set forth on the approved final "building plan," the filed plat and other related documents. Any deviations from those plans, lack of progress in complying with the Planning Board requirements, and other problems which may have arisen, shall be clearly identified. A copy of each report shall be submitted to the Department of Planning and to the

Department of Public Works. The final certificate of occupancy shall not be issued nor shall the performance bond be released until the Commissioner of Building and the Commissioner of Public Works have determined that all of the requirements as shown on the approved final "building plan," filed plat and related documents have been fully complied with.

5.7.5 Amendments: After approval of a "conservation development," the Planning Board shall consider for approval requests for modifications, changes or amendments. In every such request, the applicant shall submit to the Planning Board 12 copies of such drawings, plans, descriptions, etc., as may be necessary and appropriate to illustrate and explain the proposed change. At its next scheduled meeting, the Planning Board shall determine if it has sufficient information with which to make an informed judgment whether the proposal represents a minor amendment. If it does not have sufficient information, the Planning Board shall identify to the applicant what additional information is needed. If the Planning Board finds it has sufficient information, it shall determine whether the proposal represents a minor amendment. If it so determines by majority vote, the Planning Board may approve the minor amendment without public hearing by majority vote (2/3 vote in the case of an "environmentally sensitive site or feature"), or it may approve with modifications or conditions, or it may deny approval. If a proposal is found to involve more than a minor amendment, the applicant shall submit a formal application for approval, which application shall be processed in the same manner as an original application.

5.7.5.1 A minor amendment is a modification, "alteration," adjustment or change in an approved "conservation development" that does not exceed any of the following thresholds:

5.7.5.1.1 There is no increase in the mandatory off-"street" parking or loading requirement.

5.7.5.1.2 There is no diminution in the number or size of off-"street" parking or loading spaces required.

5.7.5.1.3 There is no increase in "use," and no new "use" is established.

5.7.5.1.4 There is no significant "alteration" of the essential characteristics of the design, layout or arrangement of "buildings," parking, circulation, landscaping, or relationship of the project to the "street," adjacent properties and the area in general.

5.7.5.1.5 There is no greater adverse effect upon any "environmentally sensitive site or feature."

5.7.5.1.6 There is no change in the approved subdivision plat.

5.7.5.2 In its consideration for approval of a minor amendment, the Planning Board shall make referrals for comment to such other boards, councils, or City departments as the Planning Board may deem appropriate. In the event a proposed minor amendment involves the "alteration" of the exterior design of

more than a single "dwelling unit," the Planning Board shall make a referral to the Design Review Board. In the event a proposed minor amendment involves an "environmentally sensitive site or feature," the Planning Board shall make a referral to the Conservation Board.

5.7.5.2.1 Each department and agency to which such referral is made shall notify the Planning Board within 5 days of receipt of the referral whether it wishes to comment on such referral and, if it does, shall deliver such comments to the Planning Board within 10 days of receipt of the referral. Non-response to a referral shall be deemed to represent no objection to the proposed amendment referred. In the case of a referral to a board or commission, receipt of a referral shall be deemed to be the date of the next meeting of such board or commission.

5.7.5.2.2 No minor amendment to an approved "conservation development" shall be approved by the Planning Board until there has been substantial compliance with all applicable codes, ordinances and regulations, and until all applicable conditions in the original "conservation development" approval have been met.

5.7.5.2.3 Notwithstanding the provisions of Section 5.7.5 herein above, during construction, the Commissioner of Building may authorize minor adjustments to the approved "conservation development" when such adjustments appear necessary in light of technical or engineering considerations, the existence or materiality of which was first discovered during actual construction. Such minor adjustments shall be consistent with the concepts of the approved "conservation development."

## **5.8 "Planned Senior Residential Development"**

5.8.1 Purposes: A "Planned Senior Residential Development District" is established in this Ordinance to promote the public health, safety and welfare by facilitating the creation of an integrated senior community in a campus setting of sufficient size to provide a variety of housing types serving seniors, including independent living units and residential units for seniors requiring a range of health care services, as well as health care support and appropriate ancillary and "accessory uses", while ensuring orderly traffic circulation to the City's road network and compatibility with surrounding land uses, and thereby achieving the objectives of the Comprehensive Plan. It is the purpose of this section to encourage flexibility of design and development of land in a manner that suits the unique needs of a senior citizen community. All development shall be undertaken in conformity with a site-specific Master Plan.

5.8.2 Reserved

5.8.3 General Provisions: In harmony with the general purpose and intent of this Section, and in order to achieve the purposes of the District, a special set of regulations is established for

such District, controlling “uses”, including ancillary and “accessory uses,” “height,” “coverage” and bulk, accessory parking facilities and accessory loading facilities. Such regulations are contained in this Section 5.8 and in other provisions of this Ordinance incorporated into this Section by cross-reference. All dimensional requirements shall apply to the entire District and are not applied to any individual areas notwithstanding subdivision or divided ownership of areas within the District. Subdivision and/or conveyance of any portion of the property by deed must be in conformance with the approved management plan required pursuant to Section 5.8.10 of this Section.

5.8.4 Uses: The permitted principal “uses” in the “Planned Senior Residential Development District” include a variety of age restricted housing types including, but not limited to, independent living facilities which may be “one family or multi-family dwellings,” life care communities, “assisted living facilities,” “domiciliary care facilities” and rehabilitation facilities operated, or with services provided, by appropriately licensed home care or long term care service providers, as required by New York State Law, and approved by the Common Council. Such “Planned Senior Residential Development District” may also include any medical or rehabilitation facility designated by the Common Council, in its sole discretion, as a medical or rehabilitation facility serving a critical community need. A “Planned Senior Residential Development District” may also include non-residential ancillary “uses” including medical offices and related diagnostic and treatment facilities, physical therapy and wellness care facilities serving the residents of the “Planned Senior Residential Development” and the general public. Such “Planned Senior Residential Development” may also include as “accessory uses” recreation health club facilities restricted to residents of the “Planned Senior Residential Development” and their guests, and dining facilities restricted to residents and employees of the “Planned Senior Residential Development” and the guests of the residents, residential facilities for staff personnel, storage facilities, places of worship, gift shops, flower shops, newsstands, laundries, and other similar facilities for the exclusive use of residents and their guests, normally accessory to a senior residential community.

5.8.5 Density: The densities for the permitted “uses” and “accessory uses” are as follows:

5.8.5.1 The maximum “floor area ratio” for all “uses,” including all residential, non-residential, ancillary “uses” and “accessory uses,” but excluding any existing facility determined by the approving agency to meet a critical community need, such as the Carvel Children’s Rehabilitation Center, shall not exceed 0.70.

5.8.5.2 The combined number of beds in all “assisted living facilities” and “domiciliary care facilities” shall not exceed 45% of the total number of independent living units in the district, based on a maximum number of independent living units in the “Planned Senior Residential Development District” of 329 units.

5.8.5.3 The maximum “floor area ratio” for all “accessory uses” shall not exceed 0.05.

5.8.5.4 The maximum “floor area ratio” for “assisted living” and “domiciliary care facilities” shall not exceed 0.15.

- 5.8.5.5 The maximum “floor area ratio” for all independent living residential “uses” shall not exceed 0.45.
  - 5.8.5.6 The maximum “floor area ratio” for nonresidential “uses” (excluding any special medical or rehabilitation facility designated by the Common Council, in its sole discretion, as a medical or rehabilitation facility serving a critical community need) shall not exceed 0.10.
  - 5.8.5.7 The minimum fraction of “lot area” attributable to each independent living dwelling unit shall be 3,000 square feet.
  - 5.8.5.8 Six (6) percent of all independent living residential “dwelling units” shall be made available for sale to or rent by households who are income qualified under the City’s Affordable Rental Housing Assistance Program or Affordable Home Ownership Program, in perpetuity.
- 5.8.6 Height: The maximum permitted “height” shall be six “stories,” but not exceed 65 feet, and two “stories” but not exceed 35 feet for “accessory buildings and structures.” In connection with its approval of a “site plan,” the approving agency may permit a fence or wall to exceed the “height” requirements of Section 4.4.16.
- 5.8.7 “Lot Area,” “Frontage,” “Coverage” and “Yard” Requirements:
- 5.8.7.1 The minimum required “lot area” for all “uses” including all ancillary “uses” and “accessory uses” in a “Planned Senior Residential Development District” shall be 20 acres. The minimum “frontage” shall be 700 feet, with 75% of the entire “frontage” located on a State or County road and sole access (other than for emergency vehicles) shall be to and from a State or County road.
  - 5.8.7.2 The “front yard” shall measure at least 75 feet in depth, except that the approving agency may permit accessory “parking garages” within said setback, but with not less than 45 feet from a property line, if adequate screening from adjoining streets, as determined by the approving agency, is provided.
  - 5.8.7.3 The “rear yard” shall measure at least 55 feet in depth.
  - 5.8.7.4 For residential “uses” the side yard shall measure 75 feet in depth. For non-residential uses, the side yard shall measure 100 feet in depth.
  - 5.8.7.5 Where the “Planned Senior Residential Development District” abuts a “one or two family dwelling” or residential district, “accessory” structures up to a height of 25 feet may be within 40 feet of the rear or side lot line if adequate screening, as determined by the approving agency, is provided.
  - 5.8.7.6 The maximum “building coverage” shall not exceed 20% for all “buildings,” excluding any existing facility determined by the approving agency to meet a critical community need.

- 5.8.7.7 Dimensional requirements not otherwise specified shall be determined by the approving agency in connection with its approval of a “site plan” application.
- 5.8.8 Parking and Loading: Parking requirements for the “uses” permitted in the “Planned Senior Residential Development District” shall be as follows:
  - 5.8.8.1 For each independent senior living unit in a “Planned Senior Residential Development,” 1.25 spaces.
  - 5.8.8.2 For “assisted living facilities” 0.4 spaces per “dwelling unit.”
  - 5.8.8.3 For “domiciliary care facilities” 0.33 spaces per bed.
  - 5.8.8.4 For non-residential medical facilities 5 spaces per 1,000 sq. ft. of “gross floor area.”
  - 5.8.8.5 For non-residential medical or rehabilitation facilities determined by the approving agency to represent a critical community need, 2.5 spaces per 1,000 sq. ft. “gross floor area.”
  - 5.8.8.6 For “assisted living facility” and “domiciliary care facility,” one loading space for every 100,000 square feet.
  - 5.8.8.7 For medical office “uses,” one loading space for every 100,000 square feet of “gross floor area.”
  - 5.8.8.8 The Common Council, as approving agency, may, at its sole discretion, permit all or a portion of the required parking to be provided by means of stacked attendant parking, subject to:
    - 5.8.8.8.1 a parking management plan approved as part of the traffic management plan required pursuant to Section 5.8.10.6.
    - 5.8.8.8.2 as part of the management plan required pursuant to Section 5.8.10:
      - 5.8.8.8.2.1 a copy of the operating agreement between the owner and the operator of the stacked attendant parking.
      - 5.8.8.8.2.2 a legal instrument satisfactory to the Corporation Counsel assuring the continued existence and operation of the stacked attendant parking in connection with the “uses” and “structures” that they serve. Such instrument shall provide that it is the responsibility of the owner of the property to ensure that off-“street” “parking spaces” for the “uses” on the property are maintained and identifying the operator of the stacked attendant parking and assuring the

continued existence and operation of the stacked attendant parking in connection with the “uses” and “structures” that it serves.

- 5.8.9 Master Plan: Any application for a “Planned Senior Residential Development” or an amendment thereto, shall be accompanied by a master plan for the total development of the entire parcel of land. Such master plan shall be drawn to a scale of not less than 1” = 200’ and shall include the following:
- 5.8.9.1 Terrain conditions on the property, to include topographic data with a maximum contour interval of two (2) feet, an indication of generalized soil types, and the location of existing water courses, wetlands, wooded areas, major rock outcroppings, and other significant existing features.
  - 5.8.9.2 The proposed arrangement of “uses,” including the location, nature and general extent of areas to be developed and areas to be preserved as natural open space.
  - 5.8.9.3 The general configuration of the road system planned to serve the property.
  - 5.8.9.4 The total gross area encompassed by the entire property, and approximate land area to be occupied by each type of “use.”
  - 5.8.9.5 The total number of “dwelling units” and facilities for each housing type proposed and the proposed breakdown of these “dwelling units” and facilities according to type.
  - 5.8.9.6 A generalized time schedule for the staging and completion of the proposed “uses.”
  - 5.8.9.7 A statement with respect to the relationship of this master plan to the “Comprehensive Plan,” explaining the reasons for any inconsistency between the two and the justification for any such inconsistency.
  - 5.8.9.8 Such other additional information as deemed necessary by the Common Council to properly study and evaluate the Plan.
- 5.8.10 Management Plan: Prior to the issuance of any Certificates of Occupancy for any independent senior living “dwelling units,” “assisted living facility,” or “domiciliary care facility” in a “Planned Senior Residential Development” located in a “Planned Senior Residential Development District,” the applicant for the “Planned Senior Residential Development” or its designated agent shall submit to the approving agency a management plan describing the ownership and operation of the “Planned Senior Residential Development,” which management plan is designed to assure the operation of all “uses,” and “accessory uses” and ancillary “uses” in the “Planned Senior Residential Development,” in accordance with the requirements for a “Planned Senior Residential Development District,” as set forth in this Ordinance.

- 5.8.10.1 The management plan shall include, among other things, the following:
- 5.8.10.1.1 The form of ownership and rights of occupancy and “use” of the independent senior living component and the “accessory uses” thereto, and the rights and obligations of the individual senior independent living “dwelling unit” owners under this ownership, including the rights of residents qualifying for residency on the basis of their relationship to an age qualified owner, if the age qualified owner is no longer in occupancy of the unit, as a primary residence. Submission of a copy of an offering plan approved by the New York State Attorney General shall satisfy this requirement;
  - 5.8.10.1.2 The owner and operator of the “assisted living facility,” including proof that operator is duly licensed by the appropriate New York State regulating agency;
  - 5.8.10.1.3 The owner and operator of the “domiciliary care facility,” if such a component is provided, including proof that the operator is duly licensed by the appropriate New York State regulating agency;
  - 5.8.10.1.4 Any easements, leases or license agreements by and among the residential “uses”;
  - 5.8.10.1.5 The ownership of any non-residential “uses,” and the relationship of such non-residential “uses” to the residential “uses,” including any joint use of facilities, such as parking, and any easements, leases or licenses related to such nonresidential “uses.”
  - 5.8.10.1.6 A directory of names, addresses, contact persons, and contact numbers for all owners of the “Planned Senior Residential Development,” excluding owners of the individual independent senior living “dwelling units,” and of any licensed care provided providing services as part of the approved “Planned Senior Residential Development.”
- 5.8.10.2 With respect to any “assisted living facility” or “domiciliary care facility,” located in a “Planned Senior Residential Development,” the management plan shall include a description of the operation of each proposed “assisted living facility” or “domiciliary care facility,” including personnel, supervision, maintenance and operating plans.
- 5.8.10.3 The management plan, along with a certification from the applicant that the management plan fulfills the requirements of this Section 5.8.10 shall be submitted to the approving agency for its review and approval prior to the issuance of any Certificates of Occupancy for the “Planned Senior Residential Development.”

- 5.8.10.3.1 The approving agency shall have sixty (60) days to review and accept, accept with conditions, or reject, the management plan as in compliance with the requirements of this Section 5.8.10.
- 5.8.10.3.2 If changes to the management plan are required by the approving agency, the approving agency review of the management plan shall be extended by thirty (30) days from the receipt of the revised management plan.
- 5.8.10.4 No material changes shall be made in the management plan or in the operation of the “Planned Senior Residential Development,” as described in an accepted management plan, except upon prior acceptance of the change by the approving agency.
  - 5.8.10.4.1 All proposed changes to an accepted management plan, including changes in ownership, or changes in the identity of any licensed care provider for the “assisted living facility” or “domiciliary care facility,” shall be submitted in writing to the Corporation Counsel.
  - 5.8.10.4.2 The Corporation Counsel shall have thirty (30) days from the receipt of a written request for a change to an accepted management plan to issue a report to the approving agency that such change constitutes a material change in the accepted management plan. Failure to issue such report within the thirty (30) day period shall constitute approval of the change as a nonmaterial change to the accepted management plan.
  - 5.8.10.4.3 Where the Corporation Counsel has determined that a change to an accepted management plan constitutes a material change, the change shall be reviewed under the procedure set forth in Section 5.8.10.3 herein above.
- 5.8.10.5 The owner(s) of the “uses” operated within the “Planned Senior Residential Development,” or their designated agents shall submit annually to the Corporation Counsel, in a written form acceptable to the Corporation Counsel, a certification of compliance of the “Planned Senior Residential Development” with the approved management plan.
- 5.8.10.6 A traffic management plan shall be submitted for review and approval by the approving agency as part of “site plan” review and approval, pursuant to Section 7 of this Ordinance.
- 5.8.11 Review and Approval Procedures: Any changes to an approved “Planned Senior Residential Development District” shall be subject to Section 3.7 of this Ordinance.

## 5.9 Planned Campus Development

- 5.9.1 Purposes: "Planned Campus Development" is established as a design based, master-planned mixed-use development within a "Planned Campus Development District" that has been mapped by the Common Council pursuant to Section 3 of this Ordinance on one or more properties within a C-O District to promote the public health, safety and welfare by facilitating the creation of integrated, master-planned, mixed use development in campus settings of sufficient size to provide a variety of uses and support appropriate ancillary and "accessory uses", with environmentally sustainable building and site design, while ensuring orderly traffic circulation both on site and onto the City's road network, compatibility with surrounding and Core Area land uses, and with public and private open space integrated into the City's open space network, thereby achieving the objectives of the Campus Office District as described in Section 5.5.1.1 of this Ordinance and in the City's Comprehensive Plan, as amended, It is the purpose of this overlay district to encourage flexibility of design and development of land in a manner that suits the needs of the community. All development shall be undertaken in conformity with the strategies for the Campus Office District as articulated in the Comprehensive Plan, as amended, and with an approved site-specific Master Plan as described in Section 5.9.8.
- 5.9.2 General Provisions: In harmony with the general purpose and intent of this Section, and in order to achieve the purposes of "Planned Campus Development" in a "Planned Campus Development District" described in Section 5.9.1, a special set of regulations is established for a "Planned Campus Development", controlling "uses", including "uses", "accessory uses", "height", "gross land coverage", bulk, and parking standards. Such regulations are contained in Sections 2, 4.4.19.6, 5.1, 5.2, 5.3, 5.5.1.1, this Section 5.9 and Sections 7.2.1.5, 8.3 and 8.5.4 of this Ordinance and are incorporated into this Section by cross-reference. All dimensional requirements shall apply to the entire "Planned Campus Development" as a single "development site" and are not applied to any individual areas notwithstanding subdivision or divided ownership of areas within the "Planned Campus Development District".
- 5.9.3 Uses:
- 5.9.3.1 The "Planned Campus Development" District is an overlay district which can be mapped by the Common Council in the C-O District to expand the major categories of "uses" permitted in the C-O District including those listed in Sections 5.1 and 5.2 of this Ordinance, and shown as being regulated by this Section 5.9, to enable mixed use development in integrated, designed development, including a mix of office, residential and retail "uses" but only as part of "Planned Campus Developments" which are site-specific master planned mixed use developments.
- 5.9.3.2 The "uses" permitted as principal permitted "uses" in a "Planned Campus Development District" which are not otherwise permitted in the C-O District are "multi-family dwellings" and "stores for sale at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices" (but not including sales of automobiles.

automobile parts or accessories involving installation at point of sale), in combination with each other or in combination with offices "uses" and other appropriate "uses" permitted in a Campus Office District which are complementary to and supportive of one or more principal Campus Office "uses", and which include planned public and private open space, walkways and bike trails that link and are integrated into the "Planned Campus Development" and the City's open space network, all as regulated under Section 5.9 of this Zoning Ordinance.

- 5.9.3.3 The "use" permitted as a permitted "accessory use" in a "Planned Campus Development District" which is not otherwise permitted in the C-O District area is the keeping of household pets."
- 5.9.4 Density: The densities for the permitted principal "uses" and "accessory "uses" in a "Planned Campus Development" are as follows:
- 5.9.4.1 The maximum "floor area ratio" for all non-residential "uses", including all non-residential, "accessory uses", shall not exceed 0.30.
- 5.9.4.2 The maximum "floor area ratio" for all residential "uses", including all residential "accessory uses" shall not exceed 0.2.
- 5.9.4.3 The maximum combined "floor area ratio" for all "uses" including "accessory uses" shall not exceed 0.4.
- 5.9.5 Affordable Housing. Ten (10) percent of all independent living residential "uses" shall be made available for sale or rent to households who are income qualified under the City's Affordable Rental Housing Assistance Program or Affordable Home Ownership Program, in perpetuity.
- 5.9.6 Height:
- 5.9.6.1 The maximum permitted "height" for non-residential "uses", excluding "accessory uses" shall not exceed 50 feet.
- 5.9.6.2 The maximum permitted "height" for residential "uses", excluding accessory "uses" shall not exceed 65 feet.
- 5.9.6.3 The maximum permitted "height" for non-residential "accessory uses" and "structures" shall not exceed 35 feet.
- 5.9.6.4 In connection with its approval of a "site plan", the approving agency may permit a fence or wall to exceed the height requirements of Section 4.4.16.
- 5.9.7 "Lot Area", "Frontage" and "Yard" Requirements. The "lot area", "frontage", and "yard" requirements for a "Planned Campus Development" shall be the same as provided for the C-O District in Section 5.3 Schedule of Dimensional Regulations: non-residential.

- 5.9.8 Dimensional requirements not otherwise specified shall be determined by the approving agency in connection with its approval of a site plan application for the "Planned Campus Development."
- 5.9.9 Master Plan: Any application for a "Planned Campus Development," or an amendment thereto, shall be accompanied by a master plan for the entire development site. Such master plan shall be drawn to a scale of not less than 1" = 200' and shall include the following:
- 5.9.9.1 Terrain conditions on the development site, to include topographic data with a maximum contour interval of two (2) feet, an indication of generalized soil types, and the location of existing water courses, wetlands, wooded areas, major rock outcroppings, and other significant existing features.
  - 5.9.9.2 The proposed arrangement of "uses," including the location, nature and general extent of areas to be developed and areas to be preserved as natural open space.
  - 5.9.9.3 The general configuration of the road system planned to serve the property.
  - 5.9.9.4 The total gross area encompassed by the entire property, and approximate area to be occupied by each type of "use."
  - 5.9.9.5 The area of the development site to be made available for public and private recreation or open space use, including walkways, bike trails, parklets and play areas.
  - 5.9.9.6 The total number of "dwelling units" and the proposed breakdown of these "units" according to type.
  - 5.9.9.7 A generalized time schedule for the staging and completion of the proposed development.
  - 5.9.9.8 A statement with respect to the relationship of the "Planned Campus Development" and master plan to the "Comprehensive Plan," detailing the consistency of the master plan with the applicable vision, objectives and strategies of the Comprehensive Plan, as amended, with respect to the Campus Office District.
  - 5.9.9.9 Such other additional information as deemed necessary by the Common Council to properly study and evaluate the Plan.
- 5.9.10 Parking and Loading: Parking and loading requirements for the "uses" permitted in a "Planned Campus Development" shall be as follows:
- 5.9.10.1 For non-residential "uses" in a "Planned Campus Development" parking and loading requirements shall be as provided for such "uses" in Section 8.3 Off-"street" Parking and Loading Requirements.

- 5.9.10.2 For residential "uses" in a "Planned Campus Development" the parking requirement shall be 1 per "dwelling unit" plus &half; per bedroom and the approving agency for the "site plan" may reduce the total number of parking spaces required by up to 1/3rd of the required parking spaces subject to Section 8.5.3.
- 5.9.10.3 There are no loading requirements for residential "uses" in a "Planned Campus Development."
- 5.9.10.4 The Common Council, as approving agency, may, at its sole discretion, permit all or a portion of the required parking to be provided by means of stacked attendant parking, subject to:
  - 5.9.10.4.1 a parking and traffic management plan approved by the Common Council
  - 5.9.10.4.2 a copy of the operating agreement between the owner and the operator of the stacked attendant parking.
  - 5.9.10.4.3 a legal instrument satisfactory to the Corporation Counsel assuring the continued existence and operation of the stacked attendant parking in connection with the "uses" and "structures" that they serve. Such instrument shall provide that it is the responsibility of the owner of the property to ensure that off-"street" "parking spaces" for the "uses" on the property are maintained and identifying the operator of the stacked attendant parking and assuring the continued existence and operation of the stacked attendant parking in connection with the "uses" and "structures" that it serves.



## **SECTION 6 - SPECIAL PERMIT "USES"**

### **6.1 General Provisions**

Special permit "uses" for which conformance to additional requirements is mandated by this Ordinance (see Sections 5.1 and 5.2) shall be deemed to be permitted "uses" in their respective districts, subject to the satisfaction of the conditions and standards set forth in this Section in addition to all other requirements of this Ordinance. All such "uses" are declared to possess characteristics of such unique and special form that each specific "use" must be considered as an individual case.

### **6.2 Approving Agencies**

Except as provided in Section 4.1.3, the approving agency for special permit "uses" shall be the Board of Appeals, except as follows:

6.2.1 The approving agency for the following listed special permit "uses" shall be the Common Council:

- 6.2.1.1 Hospitals or sanitarium.
- 6.2.1.2 "Universities," seminaries or "colleges."
- 6.2.1.3 Customary indoor or outdoor athletic facilities such as playfields or stadia as accessory to a "university," "college" or seminary.
- 6.2.1.4 "Domiciliary care facilities" or "community residences" of over 30 beds.
- 6.2.1.5 "Auction houses."
- 6.2.1.6 "Hotels" and "Extended Stay Hotels."
- 6.2.1.7 Outdoor dining.
- 6.2.1.8 "Fast food eating establishments."
- 6.2.1.9 Accessory parking adjoining business or industrial districts.
- 6.2.1.10 Neighborhood parking.
- 6.2.1.11 In the CB-4 and UR-4 Districts, commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire.
- 6.2.1.12 "Stories" over 6 in the RM-0.35 District.
- 6.2.1.13 Increased "floor area ratio" in the B-3, BR-1, BR-2, CB-1 and CB-2 Districts.
- 6.2.1.14 "Emergency Shelters."

- 6.2.1.15 "Overnight Shelters for the Homeless."
- 6.2.1.16 "Primary and Accessory Cabarets."
- 6.2.1.17 Increased "height" in the RM-1, RM-0.7, in th B-3 in the Central Parking Area and in the UR-4 Districts.
- 6.2.1.18 "Social Service Centers for Homeless Persons."
- 6.2.1.19 Outdoor storage of motor vehicles
- 6.2.1.20 "Parking lots" and "parking garages" to contain more than 25 "parking spaces."
- 6.2.1.21 "Nursery schools" or "day care centers" in the R1-12.5, R2-4 and C-O Districts.
- 6.2.1.22 "Golf and country clubs."
- 6.2.1.23 "Transitional housing for homeless families."
- 6.2.1.24 "Dish antennas" in the CB-4 District and "S" zone properties which do not meet the requirements of Section 4.4.23.7.2.
- 6.2.1.25 Stacked attendant parking.
- 6.2.1.26 Increased density in the RM-0.35 District.
- 6.2.1.27 "Building coverage" for "lots" in more than one zoning district.
- 6.2.1.28 Substitution of "dwelling units" for non-residential "floor area" in the BR-1 and BR-2 Districts.
- 6.2.1.29 Theatres.
- 6.2.1.30 In the RM-07 District, within the Central Parking Area, sidewalk level, ground floor business or professional offices, stores for sales at retail or performance of customary personal services clearly incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale.
- 6.2.1.31 In the B-3 District, within the Central Parking Area, radio stations.
- 6.2.1.32 Increased "coverage" in the B-3, CB-2 and CB-3 Districts.
- 6.2.1.33 Transfer of "excess gross floor area" in the CB-3, CB-4 and UR-4 Districts.
- 6.2.1.34 "Restaurants" and "Cafeterias" in the C-O District.
- 6.2.1.35 "Health Clubs" in the Central Parking Area and in all B-6 Districts
- 6.2.1.36 "Multi-family dwelling" uses in the LI-M District.

6.2.2 The approving agency for the following listed special permit "uses" shall be the Planning Board.

6.2.2.1 Banks.

6.2.2.2 "Restaurants" and "cafeterias."

6.2.2.3 Veterinary hospitals.

6.2.2.4 Outdoor storage of building or other materials.

6.2.2.5 "Public utility buildings or structures."

6.2.2.6 In districts other than CB-4 and UR-4, commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire.

6.2.2.7 "Health clubs" outside the Central Parking Area and outside any B-6 District.

6.2.2.8 Mortuaries or funeral homes.

6.2.2.9 "Cafes."

6.2.3 Notwithstanding the foregoing provisions of Section 6.2 or any other provision of this Ordinance, the Common Council may, by adoption of a resolution, reclaim jurisdiction as approving agency for any special permit "use" upon the finding, in the Common Council's absolute discretion, that such special permit "use" is of substantial public importance.

### **6.3 Application**

Applicants are encouraged to submit a preliminary, informal application and to discuss it with the approving agency prior to formal submission of a complete and detailed special permit application. Formal and informal applications for a special permit shall be made to the Department of Building, in 35 copies when the Common Council is the approving agency, in 20 copies when the Board of Appeals is the approving agency, and in 20 copies when the Planning Board is the approving agency. It shall include a "site plan," as well as a written statement describing the nature of the proposed "use" and how it will serve to implement the purposes of this Ordinance. The "site plan" included in the application shall indicate by mapping, and the application shall state the area to the nearest multiple of 10 square feet, of any "environmentally sensitive site or feature."

If determined to be complete, the application shall be forwarded by the Department of Building to the approving agency. An application shall be considered officially submitted and received on the date of the next meeting of the approving agency following such forwarding.

### **6.4 Review Procedure**

Review and approval by the approving agency shall be in accordance with the following procedure:

- 6.4.1 Review by Other Agencies: Upon receipt of a complete application, other than an application for a "swimming pool" or a tennis court, the approving agency shall forward copies to the Planning Board and the deputy commissioner of parking responsible for transportation engineering for review and report. Where the "site plan" includes a new "building" or a change in the cubic content or exterior appearance of an existing "building," the approving agency shall forward copies to the Design Review Board for review and report. In the event that the area involved in any application for a special permit "use" includes and/or would affect any "environmentally sensitive site or feature," the approving agency shall forward copies to the Conservation Board, if it exists, for review and report. The approving agency may also forward copies for review and report to such other agencies and officials of the City as it deems appropriate. All such agencies and officials shall have 30 days from the date of forwarding to submit reports. In addition, copies shall be forwarded with a notice of public hearing to the Westchester County Planning Board when such proposed development abuts a State or County highway, park, drainage channel or building site, and to the clerk of any abutting municipality where the property proposed for such development is located within 500 feet of such municipality, in accordance with Section 277.61 and 277.71 of the Westchester County Administrative Code.
- 6.4.2 Public Hearing: A public hearing on an application for a special permit shall be held by the approving agency within 45 days of the date the complete application is received. No public hearing may be held until all requested reports have been received by the approving agency, or the 30 days specified in Section 6.4.1 above have elapsed, whichever is first. Public notice and notice to owners of property within the "area affected" shall be the same as that required for Zoning Ordinance amendments, as set forth in Section 12 of this Ordinance.
- 6.4.3 Action: Within 90 days of the date the complete application is received, the approving agency shall make its decision and shall file with the Commissioner of Building a written report setting forth the facts of the case and its findings, conclusions and decision on the application. A copy thereof shall be mailed to the applicant. The approving agency may authorize the issuance of a special permit, provided it finds that the standards of Sections 6.5 and 6.7 have been met. In the event that the area involved in any application for a special permit "use" includes and/or would affect any "environmentally sensitive site or feature," the application shall be subject to the regulations contained in Section 4.4.25 of this Ordinance.
- 6.4.4 Extensions of Time Periods: The applicant may grant extensions of any of the above stipulated time limits, provided however that any extension of time granted to an official or agency making a report to the approving agency shall equally extend any time limit for the approving agency.
- 6.4.5 Variances in Conjunction with a Special Permit "Use":
- 6.4.5.1 No application shall be deemed complete unless it complies with all the requirements of this Ordinance and any necessary variances have been granted by the Board of Appeals.

- 6.4.5.2 In cases where an application requires one or more variances, the applicant shall be so advised by the Department of Building, which shall also advise the applicant of the procedures and requirements to be followed in seeking any necessary variance(s) from the Board of Appeals. No further action shall be taken with respect to an application unless and until all required variances have been approved by the Board of Appeals.
- 6.4.5.3 After approval by the Board of Appeals of any necessary variances, an application for a special permit may be submitted and processed in accordance with Section 6.3.

## **6.5 Standards**

All special permit "uses" shall comply with the following standards in addition to the "site plan" standards of Section 7.5. The approving agency shall attach such additional conditions and safeguards to any special permit as are, in its opinion, necessary to insure initial and continual conformance to all applicable standards and requirements.

- 6.5.1 The location and size of the special permit "use," the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to "streets" giving access to it are such that it will be in harmony with the appropriate and orderly development of the area in which it is located.
- 6.5.2 The location, nature and "height" of "buildings," walls and fences and the nature and extent of existing or proposed plantings on the site are such that the special permit "use" will not hinder or discourage the appropriate development and "use" of adjacent land and "buildings."
- 6.5.3 Operations in connection with any special permit "use" will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would be the operations of permitted "uses" not requiring a special permit.
- 6.5.4 "Parking lots" will be of adequate size for the particular special permit "use," properly located and suitably screened from adjoining residential "uses," and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.

## **6.6 Expiration, Temporary Permits, Inspection, Change and Renewal**

- 6.6.1 A special permit shall be deemed to authorize only the particular "use" specified in the permit and, unless other provisions are specifically set forth by the approving agency, the special permit shall expire if said "use" shall cease for more than 1 year for any reason, or if substantial construction, in accordance with the special permit, has not been completed within 1 year from the date of issuance, or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the special permit "use."
- 6.6.2 On request of an applicant, for a "use" intended to be temporary, the approving agency may issue a special permit for a specific period of time.

- 6.6.3 In connection with issuance of a special permit, the approving agency may establish a schedule of inspections by the Department of Building of a special permit "use" to determine continued compliance with this Ordinance.
- 6.6.4 Any change in "use" or reduction in "lot" size requires amendment to the special permit, following the application and review requirements of this Section, except that the Commissioner of Building may issue building permits as requested, without amendment of the special permit, where he finds that:

- 6.6.4.1 There is no change in the "use," or that the "use" proposed falls within the definition of the existing special permit "use," and that

- 6.6.4.2 The change would require less than 10 "parking spaces."

Notwithstanding the above, the Commissioner of Building may require that application be made for amendment to the special permit where he finds that the proposed change will be a significant change in the essential characteristics of the existing layout, arrangement or "use" of "buildings" or land.

- 6.6.5 On written application, a special permit may be renewed by the Commissioner of Building upon notice to the approving agency which authorized the issuance of the special permit, provided that no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify in writing the approving agency which authorized the issuance of the special permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon written objection by a majority vote of the approving agency or other vote as required by law.

## **6.7 Individual Standards and Requirements for Certain Special Permit "Uses"**

The following individual standards and requirements are hereby established for certain special permit "uses." They must, if applicable, be met before issuance of a special permit, except that when the Common Council is acting as the approving agency, it need only give consideration to and generally be guided by them.

- 6.7.1 "Domiciliary Care Facilities" or "Community Residences" of Over 30 Beds:

- 6.7.1.1 "Building coverage" by the "main building" shall not exceed 30 percent.

- 6.7.1.2 Each "side yard" shall be at least 15 feet.

- 6.7.1.3 No office of a "professional person" shall be permitted except for the treatment of residents of the special permit "use."

- 6.7.1.4 The special permit "use" must serve a community need or convenience.

- 6.7.2 "Rooming Houses," or "Domiciliary Care Facilities" or "Community Residences" of 30 Beds or Less:

- 6.7.2.1 A "rooming house" shall be limited to 15 "roomers," and shall be located on a "lot" with a "frontage" of at least 50 feet. There shall be a minimum of 500 square feet of "lot area" per "roomer."
  - 6.7.2.2 No such special permit "use" shall be located within 400 feet of any other such "use."
  - 6.7.2.3 Any such "use" shall particularly comply with An Ordinance Licensing and Regulating Buildings Containing Rooming Units in the City of White Plains, adopted November 1, 1976.
  - 6.7.2.4 The approving agency may, as a condition of issuance of a special permit, place a time limit on such permit, which time limit shall be appropriate in light of the investment to be made in such "use."
  - 6.7.2.5 Any change of such a "use" or "alteration" of a "structure" housing such a "use" shall require a new special permit.
- 6.7.3 "Swimming Pools":
- 6.7.3.1 A special permit shall be required prior to the installation or construction of any "swimming pool" except those meeting the criteria set forth in Section 4.4.24. Notwithstanding the above, the Commissioner of Building may withdraw as the approving agency where the Commissioner finds the impact of any such "swimming pool" to be significant.
  - 6.7.3.2 The approving agency may grant a special permit for the installation or construction of a "swimming pool" where the applicant demonstrates that topographical or similar constraints prohibit compliance with all the requirements set forth in Section 4.4.24. In such cases the approving agency shall determine that the deviation from the standards is the minimum necessary to achieve the purposes of the application.
  - 6.7.3.3 Above ground lights, slides, and diving boards shall be prohibited except where the approving agency finds that factors such as distance from "lot lines," topographic conditions or existing or proposed landscaping are sufficient to mitigate any visual or adverse impacts to nearby properties. If applicable, the approving agency shall establish hours of operation.
  - 6.7.3.4 The applicant shall demonstrate that the location and design of the "swimming pool" minimizes the visual impact to adjacent properties and will not create a nuisance.
- 6.7.4 "Membership," "Golf and Country Clubs":
- 6.7.4.1 "Recreation facilities" shall be located out of doors except where the approving agency finds that the scale and setbacks of "buildings" housing such facilities are such that they will relate harmoniously to the character of the district in

which they are located. In any case, "recreation facilities" shall be set back from adjacent residential "lot lines" at least twice the minimum "yard" requirement for residential "buildings" in said district, except that the approving agency may permit a reduction of this additional setback requirement where, because of topography, the installation of additional buffer landscaping or fencing, or the particular nature of the "use," any potential adverse external effect of such "use" will be minimized.

6.7.4.2 A "building" in which is located a "membership club," other than a "golf and country club," shall not be located within 300 feet of the nearest point of a residential property in a residential district, nor within 200 feet of any "lot line" or a school, place of worship, hospital, "domiciliary care facility" or "community residence."

#### 6.7.5 Hospitals or Sanitaria:

6.7.5.1 Hospitals and sanitarium are defined as institutions for the purpose of serving general medical, surgical, psychiatric, physical therapy and rehabilitation purposes. Such "use" may include as ancillary hospital or sanitarium "uses" out-patient clinics or nursing, teaching, medical research, convalescent or extended care facilities sponsored by or affiliated with such a hospital or sanitarium, and may include as "accessory uses" residential facilities for staff personnel, including retired workers, nuns or students in hospital training programs; accessory storage facilities with a "gross floor area" not in excess of 20 percent of the "gross floor area" of the "main building"; places of worship; or accessory vehicle parking facilities, vehicle maintenance facilities, "recreation facilities," cafeterias, "gift shops, flower shops, newsstands, laundries, power plants or other similar facilities normally accessory to a hospital or sanitarium.

6.7.5.1.1 In the R1-12.5 District, all ancillary hospital or sanitarium "uses" defined in Section 6.7.5.1 shall be located on the same "lot" or "lots" as the sponsoring or affiliated hospital or sanitarium "use."

6.7.5.1.2 In the R1-12.5 District, the combined number of beds in all ancillary convalescent and extended care facilities sponsored by or affiliated with the hospital or sanitarium "use" shall not exceed 100 percent of the total number of in-patient beds licensed to the sponsoring or affiliated hospital or sanitarium "use" located in the City of White Plains.

6.7.5.1.3 In no case shall there be more than 1 new extended care or convalescent care facility constructed on the same "lot" or "lots" as the sponsoring or affiliated hospital or sanitarium.

6.7.5.2 Notwithstanding the requirements of Sections 5.1 and 5.2, existing hospitals and sanitarium and any ancillary hospital or sanitarium "uses" or "accessory uses" as defined in Section 6.7.5.1 shall be permitted principal "uses" to the

extent each meets the "use" and dimensional requirements of the Zoning Ordinance as of the date immediately prior to the effective date of this Ordinance. Any change to such a hospital or sanitarium "use" or any change, modification to or addition of any ancillary hospital or sanitarium "uses" or "accessory uses" shall require application for a special permit for the change only, pursuant to the requirements of Section 6 of this Ordinance, except that the Commissioner of Building may issue building permits as requested, without application for a special permit, where he finds that the requirements of Section 6.6.4 with reference to amending a special permit have been met.

- 6.7.5.3 The minimum required "lot area" for a hospital or sanitarium "use," including all ancillary hospital and sanitarium "uses" and "accessory uses" shall be 5 acres in an R1-12.5 District and 20,000 square feet in an O-R District.
- 6.7.5.4 In an R1-12.5 District, "front" and "rear yards" shall measure at least 75 feet in depth, and each "side yard" shall measure at least 30 feet in depth, except that any "structure" exceeding 1 story in "height" shall be set back from the boundary of an adjacent residential district an amount equal to the applicable "yard" requirement plus 10 feet for each "story" of the "structure" in excess of 1.
- 6.7.5.5 In an O-R District, the maximum "building coverage" shall not exceed 80 percent for all "buildings." In an R1-12.5 District, the maximum "building coverage" shall not exceed 25 percent for all "buildings." Within such maximum "coverage, there shall be no limit on the "coverage" by "accessory buildings."
- 6.7.5.6 The "floor area ratio" for a hospital or sanitarium "use," including all ancillary hospital and sanitarium "uses" and "accessory uses" in an O-R District shall not exceed 5.4, and in an R1.12.5 District shall not exceed 0.8.
- 6.7.5.7 In an O-R District, the maximum "height" shall be 10 stories and 125 feet, provided that the "building coverage" for all "buildings" does not exceed 60 percent. In an R1-12.5 District, the maximum permitted "height" shall be 8 stories and 90 feet, provided that the "building coverage" for all "buildings" does not exceed 20 percent. In connection with its approval of a special permit application, the approving agency may permit a fence or wall to exceed the height requirements of Section 4.4.16.
- 6.7.5.8 The parking requirement for "multi-family dwellings" shall apply to residential facilities. If approved, required "parking spaces" may be provided off-site within 600 feet of the "main building."
- 6.7.5.9 Dimensional requirements not otherwise specified shall be determined by the approving agency in connection with its approval of a special permit application.
- 6.7.5.10 Any future development involving a hospital or sanitarium "use" or any ancillary hospital or sanitarium "use" as defined in Section 6.7.5.1 which involves the construction of new "floor area" generating a requirement for 10 or more

“parking spaces” shall be accompanied by a master plan for the total future development of the entire parcel. Such master plan shall meet the requirements of Section 6.7.5.11 of this Ordinance.

6.7.5.11 Any future development involving a "use" not a part of a hospital or sanitarium as defined in Section 6.7.5.1, or, in an R1-12.5 District, any subdivision of the parcel on which a hospital or sanitarium is located shall require the submission of an application to the Common Council for amendment to or issuance of a special permit, which application shall be accompanied by a master plan for the total future development of the entire parcel. Such master plan shall be drawn to a scale of not less than 1" = 100' and shall include the following:

6.7.5.11.1 Terrain conditions on the property, to include topographic data with a maximum contour interval of 2 feet, an indication of generalized soil types, and the location of existing water courses, wetlands, wooded areas, major rock outcroppings, and other significant existing features.

6.7.5.11.2 The proposed arrangement of "uses," including the location, nature and general extent of areas to be developed and areas to be preserved as natural open space.

6.7.5.11.3 The general configuration of the road system planned to serve the property.

6.7.5.11.4 The total gross area encompassed by the entire property, and approximate area to be occupied by each type of "use."

6.7.5.11.5 The total number of "dwelling units" proposed and the proposed breakdown of these "dwelling units" according to size.

6.7.5.11.6 A generalized time schedule for the staging and completion of the proposed "uses."

6.7.5.11.7 A statement with respect to the relationship of this master plan to the "Comprehensive Plan," explaining the reasons for any inconsistency between the two and the justification for any such inconsistency.

6.7.5.11.8 Such other additional information as deemed necessary by the Common Council to properly study and evaluate the Plan.

6.7.6 "Universities," Seminaries or "Colleges": The minimum "parking space" and "loading space" requirements shall be determined by the approving agency, based on consideration of at least the following: "floor area"; expected number of students and staff; capacity of classrooms and places of public assembly; scheduling of classes; availability of public transit; availability of public parking in the immediate area; and expected number of students to be resident on campus.

6.7.7 "Hotels":

- 6.7.7.1 In a hotel, occupancy for any guest shall be limited to not more than 30 days in any 90 day period.
- 6.7.7.2 Each sleeping room in a "hotel" or "extended stay hotel" shall have an area, inclusive of bathroom and closet space, of at least 225 square feet.
- 6.7.7.3 Off-"street" parking for a "hotel" or "extended stay hotel" shall be provided as follows:
  - 6.7.7.3.1 1 "parking space" for each sleeping room.
  - 6.7.7.3.2 1 "parking space" for every 4 seats in permanent dining rooms.
  - 6.7.7.3.3 1 "parking space" per 100 square feet devoted to assembly or conference rooms which may be used for dispensing food or drink.
  - 6.7.7.3.4 1 "parking space" per 300 square feet of "floor area" devoted to retail "use."
  - 6.7.7.3.5 The total minimum of "parking spaces" shall be 80 percent of the sum of the "parking spaces" required in Sections 6.7.7.3.1 through 6.7.7.3.4 above, but in no event less than 1 "parking space" for each sleeping room.
- 6.7.7.4 Each "hotel" or "extended stay hotel" shall be provided with at least 1 off-"street" "loading space" but in any case not less than 1 "loading space" for each 200 sleeping rooms or major fraction thereof.
- 6.7.7.5 In a C-O District, the following additional standards and requirements shall apply:
  - 6.7.7.5.1 Any "building" containing a "hotel" or "extended stay hotel" shall have sole vehicular access from a State or County Road.
  - 6.7.7.5.2 A "hotel" or "extended stay hotel" may not occupy more than one-third of the permitted "gross floor area" of the property on which it is located.
  - 6.7.7.5.3 No "building" containing an "extended stay hotel" or "hotel" shall be located within 300 feet of any residential district, or of any "lot line" of a school or place of worship.
  - 6.7.7.5.4 No signage or exterior lighting for an "extended stay hotel" or "hotel" shall be located on the side of any "building" facing a residential district, or a "lot line" of a school or place of worship.

6.7.7.5.5 No exterior lighting shall be permitted which would cause illumination beyond the boundaries of the property. Hours of lighting may be limited by the approving agency.

6.7.7.6 In a B-3, CB-1 or CB-2 District, the minimum "lot area" for a "hotel" or "extended stay hotel" shall be 20,000 square feet.

#### 6.7.8 Outdoor Dining:

- 6.7.8.1 Outdoor "cabarets," and outdoor dining in conjunction with a "fast food eating establishment" are specifically prohibited.
- 6.7.8.2 The approving agency may prohibit or limit the hours of operation of any activities which would cause an adverse impact on adjacent or nearby residential properties, such as dancing, the operation or use of musical instruments or sound reproduction devices, or any noise emanating from the outdoor dining area.
- 6.7.8.3 No exterior lighting shall be permitted which would cause illumination beyond the boundaries of the property on which it is located in excess of 0.5 foot candles. Hours of lighting may be limited by the approving agency.
- 6.7.8.4 Off-"street parking spaces" shall be provided as required for "restaurants" in Section 8.3 of this Ordinance, except that where outdoor seating represents only a relocation of indoor seating and there is no increase in overall capacity of the "restaurant" or where the outdoor seating will be in the form of a sidewalk café on public property, no additional off-"street parking spaces" need be provided.
- 6.7.8.5 Outdoor dining located on public property, such as a sidewalk, may be permitted pursuant to a separate ordinance adopted by the Common Council for such purposes. Where so permitted no approval under the provisions of this Ordinance shall be required.
- 6.7.8.6 A sidewalk café incident to and in conjunction with a bona fide "restaurant" is permitted on public property only in the White Plains Promenade System and such other "streets" as may be designated for such "use" in the separate ordinance adopted by the Common Council for such purposes, but only in the zoning districts of such "streets" where "restaurants" are permitted.
- 6.7.8.7 Notice of a public hearing associated with an Outdoor Dining Special Permit shall be given as set forth in Section 12.7 of this ordinance except that notices to property owners (as shown by the tax assessment roll) within the affected area for a renewal of Outdoor Dining Special Permit shall be mailed to all such owners via certified mail (return receipt requested) except that notice to owners of residential condominium units may be given via certified mail without return receipt requested.

6.7.9 "Fast Food Eating Establishments":

- 6.7.9.1 No "fast food eating establishments" shall be located within 300 feet of any residential district, or of any "lot line" of a school, place of worship or another "fast food eating establishment."
- 6.7.9.2 Adequate receptacles shall be provided for the deposit of all waste materials.
- 6.7.9.3 There shall be provided a landscaped strip 10 feet in width across the front of any "parking lot," which shall be planted in a staggered double row with evergreen shrubs, such as taxus or equivalent, at least 24 inches high and on 3-foot centers.
- 6.7.9.4 Any accessory "parking lot" shall be enclosed except across the "street frontage," with a 4-foot or higher chain link fence of at least 9-gauge material, which shall be braced top and bottom.
- 6.7.9.5 Access drives shall have two concrete filled steel posts at least 4 feet high connected by a galvanized chain or steel gate which shall be locked when the "parking lot" is not in use.

6.7.10 "Cabarets"

- 6.7.10.1 Each applicant shall submit floor plan(s) prepared and signed/sealed by a New York State Design Professional in accordance with the following:
  - 6.7.10.1.1 The plans shall be drawn to scale, be legible and be no smaller than 11x17;
  - 6.7.10.1.2 Indicate the area for any proposed dance floor including the square footage;
  - 6.7.10.1.3 Indicate the area for any proposed DJ, band or entertainer including the square footage;
  - 6.7.10.1.4 Indicate all tables and seating (permanent or fixed);
  - 6.7.10.1.5 Indicate the code required egress paths through the space to each legal exit. The egress paths shall not traverse areas identified for Entertainment purposes. The paths shall be clearly identified by shading or cross hatching on the plan(s);
  - 6.7.10.1.6 Provide occupancy calculations for the restaurant configuration and cabaret configuration. Egress paths square footage shall be excluded when calculating occupancy. Any proposed occupancy of 300 persons will require a smoke purge system in accordance with the White Plains Building Code; and

6.7.10.1.7 The temporary storage of tables and/or seating shall be identified on the plan(s) if the creation of a "cabaret" requires the relocation of these items.

It shall be unlawful for an owner, operator, proprietor, manager or person in charge of any "cabaret" to alter or deviate from the approved site plan or floor layout.

6.7.10.2 "Cabarets" shall not be located within 150 feet of any residential district, nor within 200 feet of any "lot line" of a place of worship, hospital, "domiciliary care facility" or "community residence," nor shall any "primary cabaret" be located within 300 feet of any "dwelling unit."

6.7.10.3 "Cabarets" shall only be located at grade level.

6.7.10.4 The special permit may be renewed by the Commissioner of Building in accordance with Section 6.6.5, provided that the Commissioner shall have the authority to decline the renewal based on any violation of this section 6.7.10, the Municipal Code Title IV, Chapter 4-4, or of any conditions set forth in the special permit resolution adopted by the Common Council.

6.7.10.5 A special permit to operate a "cabaret" may be suspended or revoked after a hearing, with at least five days notice to the special permit holder, held by the Commissioner of Buildings, the Chief of Fire and the Chief of Police, or their duly appointed representative, whereby it is determined that there was a violation of: this section 6.7.10; the Municipal Code Title IV, Chapter 4-4; any conditions set forth in the special permit resolution; or that the operation of the "cabaret" poses a detriment to the health, safety and welfare of the neighborhood or community.

#### 6.7.11 Motor Vehicle "Service Stations" or "Repair Shops":

6.7.11.1 No motor vehicle "service station" or "repair shop" shall be located within 200 feet of any "lot line" of a place of worship, hospital or school. No part of any "building," equipment or pump shall be located within 25 feet of any residential district, or within 15 feet of any "lot line." In the LI District, the approving agency may permit a new or existing motor vehicle "service station" or "repair shop" to be located closer than 200 feet to any place of worship, hospital or school, and may permit part of any "building," equipment or pump to be located within 25 feet of any residential district or closer than 15 feet to any "lot line" where the applicant demonstrates to the satisfaction of the approving agency that topographical or site constraints, or the need to improve the "building" or "use" to introduce new technology or to comply with local, County, State or federal codes, prohibit compliance with these standards, and that the operation of the motor vehicle "service station" or "repair shop" will not adversely impact any abutting residential district or the operation of the place of worship, hospital or school or the health or safety of the users of these facilities. In such cases, the approving agency shall determine that the deviation from this

standard is the minimum necessary to achieve the purposes of the application and will not create a nuisance.

- 6.7.11.2 Where a motor vehicle "service station" or "repair shop" is accessory to motor vehicle sales, it shall be located within a totally enclosed and soundproofed "structure."
- 6.7.11.3 A motor vehicle "repair shop" accessory to motor vehicle sales in a B-3 District shall be permitted only where the site has "frontage" on and access to a State highway or County road.
- 6.7.11.4 In the B-6 District, when in the Central Parking Area, a "motor vehicle repair shop" shall only be permitted in conjunction with a permitted principal establishment containing not less than 100,000 square feet of "floor area."

6.7.12 "Public Utility Buildings or Structures":

- 6.7.12.1 When proposed in a residential district, "public utility buildings or structures" shall be subject to a finding, in addition to the standards of Section 6.5, that a public necessity exists for such "use," and that "use" of the particular site for which application is made is necessary from the public standpoint.
- 6.7.12.2 The approving agency may require that such "use" be enclosed by protective fencing with a gate which shall be closed and locked except when necessary to obtain access thereto.
- 6.7.12.3 The installation shall be so designed, enclosed, painted and screened with evergreens that it will be harmonious with the area in which it is located. The entire property shall be suitably landscaped and maintained in reasonable conformity with the standards of property maintenance of the surrounding neighborhood.

6.7.13 Neighborhood Parking:

- 6.7.13.1 Any neighborhood "parking lot" shall be restricted to private passenger vehicles of residents of the neighborhood in which it is located.
- 6.7.13.2 Such "parking lot" shall be subject to requirements as to lighting, hours of operation, fencing and landscaping as the approving agency deems necessary to meet the requirements of Section 6.5.
- 6.7.13.3 Any special permit granted shall be for a period designated by the approving agency, which shall be no less than 3 years nor more than 5 years. Extensions may be granted for periods of up to 5 years each after review pursuant to Section 6.4 of this Ordinance.

6.7.14 Accessory Parking Adjoining Business or Industrial Districts:

- 6.7.14.1 Accessory parking adjoining a business or industrial district shall be permitted only if it is accessory to a "use" in the adjacent business or industrial district, is located on a "lot" which abuts or is directly across the "street" from a business or industrial district and is within 500 feet of the "use" to which it is accessory.
- 6.7.14.2 Such accessory parking shall be subject to requirements as to lighting, hours of operation, fencing and landscaping as the approving agency deems necessary to meet the standards of Section 6.5. A landscaped strip shall be provided across the front of the "lot" at least 10 feet in depth, except where driveway access may be permitted.
- 6.7.14.3 Such accessory parking may be limited to locations which will minimize traffic impact on residential streets, consistent with traffic safety considerations.
- 6.7.14.4 Any special permit granted shall be for a period of 3 years. Extensions may be granted for periods of 3 years each, after review pursuant to the requirements of Section 6.4 of this Ordinance.

6.7.15 "Auction Houses":

- 6.7.15.1 In the B-2 District, "auction houses" may be permitted only on sites located within an enclosed mall within the Central Parking Area and shall not exceed 20% of the "gross floor area" of the enclosed mall.
- 6.7.15.2 The buying and selling of goods and merchandise shall take place within a fully enclosed "building" or "structure."
- 6.7.15.3 The applicant must demonstrate to the satisfaction of the approving agency that the nature and hours of operation of the proposed "use" will create traffic patterns which will be off-peak with respect to the traffic patterns of the neighborhood in which it is located, and that it will not create significant traffic flow on residential "streets."
- 6.7.15.4 "Auction houses" permitted in a district other than the B-2 district shall not be located within 300 feet of any residential district.
- 6.7.15.5 The approving agency may limit the days and hours of operation of "auction houses" except that the hours of operation of "auction houses" located within a "building" or "structure" within 300 feet of any residential district shall exclude Sundays before 12:00 noon and after 6:00 p.m., weekdays after 7:00 p.m., and Fridays and Saturdays after 10:00 p.m.

6.7.16 Business, Administrative or Headquarters Offices for "Philanthropic Institutions":

- 6.7.16.1 Permitted offices may be used for administrative functions only. No sales are permitted.

6.7.17 "Nursery Schools" or "Day Care Centers" in the R1-12.5 District:

In the R1-12.5 district, "nursery schools" or "day care centers" may be established provided that:

- 6.7.17.1 The "nursery school" or "day care center" is designed to accommodate not less than 50 children at the same time.
- 6.7.17.2 Not less than 4 acres of land are owned, leased, operated or managed by the operator of the "nursery school" or "day care center" for the facility.
- 6.7.17.3 Not more than 75 children may be accommodated per acre of land owned, leased, operated or managed by the operator of the "nursery school" or "day care center" for the facility.
- 6.7.17.4 Any "nursery school" or "day care center" shall comply fully with all requirements of the State Education Department and all applicable State, County and City codes, other ordinances and regulations.
- 6.7.17.5 Vehicular access must be from either a County or State highway or a local roadway having a minimum pavement width of 40 feet.
- 6.7.17.6 There must be provided, on-site, at least sufficient outdoor play space in quantity and with improvements to meet applicable standards of supervisory state agencies and, in addition, on-site standing area for loading and unloading of school buses, without obstructing other access ways, at a ratio of one bus space per 60 children to be accommodated or one bus space per 3,000 square feet of "floor area," whichever is greater.

6.7.18 "Health Clubs":

- 6.7.18.1 Any masseur or masseuse employed by a "health club" shall be licensed in accordance with Article 155 of the New York State Education Law, and any physical therapist shall be licensed in accordance with Article 136 of the New York State Education Law, and proof of such license shall be clearly displayed in the "Health Club".
- 6.7.18.2 The approving agency shall establish a minimum number of supervisory personnel to be present during the hours of operation of a "health club." The minimum number shall be based on the "floor area" of the "health club," the number of members and the types of equipment available.
- 6.7.18.3 A "health club" shall be located within a totally enclosed and soundproofed "structure."
- 6.7.18.4 No cooking or alcoholic beverages shall be permitted in any health food bar, nor shall the area utilized by the health food bar exceed 5% of the "gross floor area" of the "health club."

6.7.19 "Emergency Shelters":

- 6.7.19.1 Any "emergency shelter" shall comply fully with all requirements of applicable State, County and City codes, ordinances, and regulations relating to transient occupancies specifically including the Minimum Housing Standards Ordinance of the City, and shall be fully equipped with emergency lighting, sprinklers, smoke detectors and alarms, emergency exits, and other safety devices required by the White Plains Building Code.
- 6.7.19.2 Any food preparation, service or distribution facilities in an "emergency shelter" shall be licensed or approved by the Westchester County Board of Health.
- 6.7.19.3 Any "emergency shelter" shall be contained within the "structure" of, and operated by, a "not-for-profit corporation" or charitable organization, as the same are defined by applicable statute.
- 6.7.19.4 An "emergency shelter" shall be available as a year around facility that is open 24 hours a day, 7 days a week, and shall accept individuals and/or families without regard to race, religion, ethnic background, gender, marital status, age, or condition of disability or parentage.
- 6.7.19.5 No "emergency shelter" shall be located on a site less than 400 feet from another site on which is located another "emergency shelter," or on which is located an "overnight shelter for the homeless," or "community residence" or "domiciliary care facility," except that any institution, "not-for-profit corporation" or charitable organization may accommodate and operate one "emergency shelter" and one "overnight shelter for the homeless" on the same premises.
- 6.7.19.6 No "emergency shelter" may accommodate more than 19 "persons."
- 6.7.19.7 Any "emergency shelter" shall be subject to periodic inspections by the Department of Building and the Fire Prevention Bureau of the City of White Plains, which shall determine compliance with all codes, ordinances, regulations and conditions of the special permit.
- 6.7.19.8 An "emergency shelter" shall be well located with respect to public transportation and public and other social services, such as job placement, counseling, and other services necessary to serve the intended population.
- 6.7.19.9 An "emergency shelter" shall provide for continuous accommodation of an individual or family for a period of up to 30 days and nights, with one extension of up to 30 days in the event of urgent necessity, as determined by the operator.
- 6.7.19.10 An applicant shall submit with its permit application a Management Program for the operation of its proposed facility, including personnel, supervision, maintenance and operating plans, and shall certify to the approving agency the adequacy of the Management Program.

6.7.19.11 A special permit for any "emergency shelter" shall expire one year after issuance, but upon application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided that no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intent to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objection by majority vote of the Common Council.

6.7.20 "Overnight Shelters for the Homeless":

- 6.7.20.1 Any "overnight shelter for the homeless" shall comply fully with the requirements of the applicable State, County and City codes, ordinances and regulations relating to transient occupancy, and shall be fully equipped with emergency lighting, sprinklers, smoke detectors and alarms, emergency exits and other safety devices required by the White Plains Building Code.
- 6.7.20.2 Any food preparation, service or distribution facilities in an "overnight shelter for the homeless" shall be licensed or approved by the Westchester County Board of Health.
- 6.7.20.3 Any "overnight shelter for the homeless" shall be contained within the "structure" of, and operated by, a "not-for-profit corporation" or charitable organization, as the same are defined by applicable statute.
- 6.7.20.4 An "overnight shelter for the homeless" may be a seasonal facility, open and operated during months of cold weather, generally from 15 October to 15 April, or it may be a year-round facility.
- 6.7.20.5 An "overnight shelter for the homeless" shall be open and accept adult individuals only for single night occupancies, no earlier than 7:30 p.m. and shall permit occupancy no later than 7:30 a.m. While open, and for one hour before opening and for one hour after closing, an "overnight shelter for the homeless" shall be adequately staffed by the operating organization such that applicants may be efficiently accepted and accommodated, order and sanitation maintained at all times, and "persons" who cannot be admitted for any legitimate reason, including lack of capacity, are referred or transported to other facilities. These provisions shall be reflected in the Management Program required under Section 6.7.20.10 below.
- 6.7.20.6 An "overnight shelter for the homeless" shall accept adult individuals without regard to race, religion, ethnic background, gender, marital status, age or condition of disability or parentage.
- 6.7.20.7 No "overnight shelter for the homeless" shall be located on a site less than 400 feet from another site on which is located another "overnight shelter for the homeless," or on which is located an "emergency shelter," "community

residence" or "domiciliary care facility," except any institution, "not-for-profit corporation" or charitable organization may accommodate and operate one "emergency shelter" and one "overnight shelter for the homeless" on the same premises.

- 6.7.20.8 No "overnight shelter for the homeless" may accommodate more than 19 "persons."
- 6.7.20.9 Any "overnight shelter for the homeless" shall be subject to periodic inspections by the Department of Building and the Fire Prevention Bureau of the City of White Plains, which shall determine compliance with all codes, ordinances, regulations and conditions of the special permit.
- 6.7.20.10 An applicant shall submit with its permit application a Management Program for the operation of its proposed facility, including personnel, supervision, maintenance and operating plans, and including the information necessary to demonstrate that the requirements in Section 6.7.20.5 above will be satisfied. The applicant shall certify to the approving agency the adequacy of the Management Program.
- 6.7.20.11 A special permit for any "overnight shelter for the homeless" shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intent to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objection by majority vote of the Common Council.

6.7.21 Accessory "Dish Antenna":

- 6.7.21.1 A special permit shall be required prior to the installation or construction of any "dish antenna" except those meeting the criteria set forth in Section 4.4.23.7.
- 6.7.21.2 A "dish antenna" may be mounted on a roof or attached to a "building" or "structure" in any one or two-family residential district if a registered architect or licensed engineer, with input from a qualified "dish antenna" installer, demonstrates, to the satisfaction of the approving agency, that locating the "dish antenna" in conformance with the provisions of Section 4.4.23 would obstruct the "dish antenna's" reception window or otherwise excessively interfere with reception by not allowing receipt of at least 70% of the programming capable of being received by the proposed "dish antenna" and such obstruction or interference involves factors beyond the applicant's control, or the cost of meeting the standards set forth in Section 4.4.23 is excessive relative to the purchase and installation cost of the "dish antenna."

- 6.7.21.2.1 The application shall include site drawings, a narrative and appropriate photos to demonstrate why the "dish antenna" must be mounted on a roof or attached to a "building" or "structure" and why other location options which conform to the provisions of Section 4.4.23 are infeasible due to obstructions that block or limit the "dish antenna's" operational line of sight requirements.
- 6.7.21.2.2 The site drawings and narrative shall show and describe the alignment parameters (i.e., elevation and azimuth), operational line of sight and objects which might block or limit the "dish antenna's" line of sight to the satellite arc. This information shall be provided for the proposed location and to demonstrate that other locations which would conform to the provisions of Section 4.4.23 are infeasible due to obstructions.
- 6.7.21.2.3 The application shall include a site drawing showing the extent to which the proposed "dish antenna" will be visible from "streets" and surrounding properties, and a proposal to minimize its visibility by use of fencing, planting or architectural features.
- 6.7.21.2.4 The approving agency may prescribe such conditions or restrictions as it may deem necessary to minimize visual and other impacts to properties in the neighborhood and to protect the public health, safety and welfare.
- 6.7.21.3 All "dish antennas" shall conform to all the requirements set forth in this Section and Section 4.4.23, except that the approving agency may grant a special permit for the installation of a "dish antenna" that does not conform to the size, height or materials requirements where the applicant demonstrates that technological or similar constraints prohibit the acquisition or installation of a "dish antenna" which complies with these standards. In such cases the approving agency shall determine that the deviation from the standards is the minimum necessary to achieve the purposes of the application and that the alternate design meets all other requirements of the Ordinance and will not create an adverse visual impact or a nuisance.
- 6.7.21.4 The applicant shall demonstrate that the location and design of the "dish antenna" minimizes the visual impact and motor noise from all "streets" and adjacent properties.
- 6.7.21.5 A special permit may be denied by the approving agency in the event the applicant cannot meet all of the standards set forth in Section 6. The ability of the applicant to meet these standards, find an unobtrusive location for, or screen the "dish antenna" and justify all facets of the proposed installation shall be a principal factor in determining if a special permit is granted by the approving agency.

6.7.22 "Social Service Centers for Homeless Persons":

- 6.7.22.1 "Social service centers for homeless persons" shall be available as year round facilities open from 7:30 a.m. to at least 8:00 p.m., 7 days a week.
- 6.7.22.2 "Social service centers for homeless persons" shall comply with the requirements of the applicable State, County and City codes, ordinances and regulations relating to occupancy and shall be fully equipped with all safety devices required by the White Plains Building Code and Fire Codes.
- 6.7.22.3 "Social service centers for homeless persons" shall be contained within the "structure" of, and operated by a "not-for-profit corporation," as the same is defined in applicable statutes.
- 6.7.22.4 Any food preparation, service or distribution facilities in "social service centers for homeless persons" shall be licensed or approved by the Westchester County Board of Health.
- 6.7.22.5 While open, a "social service center for homeless persons" shall be adequately staffed by the operating organization such that clients may be accommodated according to the terms of an approved Management Plan as described in Section 6.7.22.9; order and sanitation are maintained at all times; and "persons" who cannot be admitted for any legitimate reason, including lack of capacity, are referred or transported to other facilities.
- 6.7.22.6 "Social service centers for homeless persons" shall accept adult individuals without regard to race, religion, ethnic background, sex, marital status, age or condition of disability or parentage.
- 6.7.22.7 No "social service center for homeless persons" shall be located on a site less than 400 feet from another site on which another "social service center for homeless persons" is located or on which is located an "emergency shelter," "overnight shelter for the homeless," "community residence" or "domiciliary care facility," except any institution, "not-for-profit corporation" or charitable organization may accommodate and operate one "social service center for homeless persons," one "emergency shelter" and/or "overnight shelter for the homeless" on the same premises.
- 6.7.22.8 "Social service centers for homeless persons" are not shelters and shall not provide any sleeping accommodations.
- 6.7.22.9 An applicant shall submit with its permit application a Management Plan for the operation of its proposed facility, including hours of operation, personnel, supervision, maintenance and operating plans, and shall certify to the approving agency the adequacy of the Management Plan. No special permit for any "social service center for homeless persons" shall be issued without an approved Management Plan.

6.7.22.10 A special permit for a "social service center for homeless persons" shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided that no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intention to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objections by majority vote of the Common Council.

6.7.23 Outdoor Storage of Motor Vehicles:

- 6.7.23.1 The provision of Section 6.7.23 shall apply to and permit only the outdoor storage of new motor vehicles.
- 6.7.23.2 Motor vehicles to be stored must be driven under their own power to and from the site, and not delivered by truck or other means.
- 6.7.23.3 No inspection of stored motor vehicles may be made on the site.
- 6.7.23.4 Such outdoor storage shall be subject to requirements as to lighting, hours of operation, fencing and landscaping as the approving agency deems necessary to meet the standards of Section 6.5.
- 6.7.23.5 In the B-1 district, the outdoor storage of motor vehicles shall be limited to the roof level of a "parking garage."
- 6.7.23.6 In the B-1 district, no motor vehicles may be moved to or from the site on Saturdays or Sundays.
- 6.7.23.7 In the B-1 district, a special permit for outdoor storage of motor vehicles shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided that no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intent to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objection by majority vote of the Common Council.
- 6.7.23.8 In the B-2 district, the outdoor storage of motor vehicles shall be permitted only on sites adjoining the B-3 district and only where such site or sites are adjacent to a motor vehicle sales or rental special permit "use" and where the outdoor storage of motor vehicles is an "accessory use" to that special permit "use."

6.7.24 "Parking Lots" or "Parking Garages" in RM Districts:

- 6.7.24.1 "Parking lots" or "parking garages" in RM Districts shall provide off-"street"

"parking spaces" for rental, lease or sale to residents of the neighborhood in which they are located.

- 6.7.24.2 "Parking lots" or "parking garages" in RM Districts shall provide off-"street" parking to tenants and owners of spaces 24 hours a day, 7 days a week, year-round. Vehicles shall be accessible for removal and for parking at all times without exception or interruption.
  - 6.7.24.3 "Parking spaces" may be rented to non-residents on a part-time basis only so long as no "parking space" is denied to any resident upon demand at any time.
  - 6.7.24.4 Any "parking lot" shall be designed and constructed in accordance with all dimensional criteria in Section 8.7 of this Ordinance, and shall be lighted, fenced and landscaped as the approving agency deems necessary to meet the standards of Section 6.5.
  - 6.7.24.5 Any "parking garage" shall be designed and constructed in accordance with dimensional criteria in Section 8.7 of this Ordinance, and shall be lighted, landscaped and architecturally treated as the approving agency deems necessary to meet the standards of Section 6.5. In considering any "parking garage," the approving agency shall particularly examine the location, configuration and arrangement of ventilation machinery and equipment, and shall consider the potential noise and emissions therefrom. In addition, the approving agency shall consider the effect, if any, of headlights of vehicles as well as the lighting of the "parking garage" upon adjoining and nearby residential "uses."
  - 6.7.24.6 A special permit granted for a "parking lot" shall be for a term of 3 years and may be renewed in 3-year terms in accordance with Section 6.6.5.
  - 6.7.24.7 A special permit granted for a "parking garage" shall be for a term of 10 years and may be renewed in 5-year terms in accordance with Section 6.6.5.
- 6.7.25 "Transitional Housing for Homeless Families"
- 6.7.25.1 Any "transitional housing for homeless families" shall be well located with respect to public transportation, convenience food shopping and other retail and personal service establishments.
  - 6.7.25.2 Any "transitional housing for homeless families" shall provide for thorough on-site security and, in this regard, the approving agency is authorized to disregard the limitations of Section 4.4.16.1 on the heights of fences and the nature thereof.
  - 6.7.25.3 Notwithstanding the provisions of Section 8 herein below with respect to mandatory off-"street" parking and loading, the mandatory parking and loading requirements for each "transitional housing for homeless families" facility shall be established by the approving agency in considering the specific and unique

needs and circumstances of each such facility and upon the recommendation of the Commissioner of Planning, the deputy commissioner of parking responsible for transportation engineering and the Planning Board.

- 6.7.25.4 An applicant shall submit with its permit application a Management Program for the operation of each proposed "transitional housing for homeless families" facility, including personnel, supervision, maintenance and operating plans, and shall certify to the approving agency the adequacy of the Management Program.
- 6.7.25.4.1 The Management Program shall specify that only families, as defined in Part 900 of the Regulations of the New York State Department of Social Services (18 NYCRR §§900 et seq), shall be accepted for residence, and shall specify occupancy limits for housing units based on the size of the housing units.
- 6.7.25.4.2 The Management Program shall specify that the management of the proposed facility shall carefully screen applicants for admission and shall exclude individuals who are identified to be substance abusers or who reasonably may be expected to endanger themselves, other residents, and/or residents of the surrounding community.
- 6.7.25.4.3 The Management Program shall specify that the proposed facility shall be operated with a Community Advisory Board, consisting of 7 members to be selected by the City, with Common Council approval, with which the sponsor/applicant shall meet monthly for the first 3 years of operation and quarterly thereafter to discuss the management and operation of the facility.
- 6.7.25.4.4 The City of White Plains shall have the authority to approve the designated operator of the facility, and shall be authorized to require the replacement of an operator at the end of a 2-year contract who fails or refuses to operate any such facility in accordance with the Management Program and/or the regulations of other agencies authorized to regulate the facility. In the event of the replacement of an operator, the City shall approve the new operator, which approval shall not be unreasonably withheld or delayed.
- 6.7.25.4.5 No material changes shall be made in a Management Program except upon prior approval of the City of White Plains.
- 6.7.25.4.6 The Management Program shall be submitted to the City for its review, which review shall be completed within 30 days of receipt. The applicant shall incorporate any and all reasonable comments into the Management Program. In the case of a facility to be funded and operated pursuant to Part 900, the Management Program shall be submitted to the Departments of Social Services of Westchester

County and New York State for review and modification to comply with Part 900. No reasonable requirement of the City shall be removed from the Management Program unless such requirement conflicts with or contradicts an applicable provision of Part 900.

6.7.25.4.7 The Management Program shall provide for removal from residency of individuals who violate the rules and regulations of the operator and/or of the Management Program. In the event of a facility to be funded and operated pursuant to Part 900, the Westchester County Department of Social Services may delegate such removal authority to the facility operator.

6.7.25.4.8 If the applicant is granted an operating license pursuant to Part 900, the procedures set forth herein shall be repeated biannually.

6.7.25.5 A special permit for any "transitional housing for homeless families" shall expire 2 years after issuance, but upon application shall be renewed annually by the Commissioner of Building upon notice to the Common Council if there has been substantial compliance with all applicable codes, ordinances, regulations and conditions of the special permit. Compliance with the requirements of Part 900 and with the provisions of the accepted Management Plan as set forth herein above shall be deemed to constitute compliance with all such codes, ordinances, regulations and conditions.

#### 6.7.26 Stacked Attendant Parking

6.7.26.1 The minimum dimension for any "parking space" shall be 8 feet in width by 17 feet in length.

6.7.26.2 The "parking lot" shall be designed so that the backing of cars into the "street" shall not be necessary or permitted.

6.7.26.3 The application must be accompanied by a management plan for the "parking lot."

6.7.26.4 The application must be made by the owner of the "building" or the owner's agent for the entire site on which the "building" is located.

#### 6.7.27 "Building Coverage" for "Lots" in More than One Zoning District

6.7.27.1 A special permit shall be required prior to the granting of "site plan" approval for any application involving "lots" located in more than one zoning district where the "building coverage" on a "lot" located in any one district exceeds the "building coverage" requirements for that district as set forth in Section 5.3.

6.7.27.2 The approving agency may grant a special permit for "building coverage" in excess of that permitted on a "lot" located in any one district where the applicant demonstrates that topographical, environmental or similar constraints prohibit

compliance with the “building coverage” requirements set forth in Section 5.3. In such cases, the approving agency shall determine that the deviation from the requirements is the minimum necessary to achieve the purposes of the application.

- 6.7.27.3 In no case shall the total aggregate “building coverage” for the “lot” in more than one district exceed the total aggregate permitted “building coverage” for such “lot” in the districts in which such “lot” is located.

#### 6.7.28 Transfer of “Excess Gross Floor Area”

- 6.7.28.1 The transfer of “excess gross floor area” shall be permitted only in the CB-3, CB-4 and UR-4 Districts.
- 6.7.28.2 “Excess gross floor area” on a “lot” or on a designated “development site” may be transferred to a non-contiguous designated “development site,” subject to the following:
  - 6.7.28.2.1 The “lot” or designated “development site” from which “excess gross floor area” may be transferred (referred to herein as the sending site) must be located in an urban renewal project area designated by the Common Council pursuant to Article 15 of the General Municipal Law.
  - 6.7.28.2.2 The designated “lot” or “development site” to which the “excess gross floor area” may be transferred (referred to herein as the receiving site) must be located in an urban renewal project area designated by the Common Council pursuant to Article 15 of the General Municipal Law.
  - 6.7.28.2.3 The urban renewal plan(s) approved pursuant to Article 15 of the General Municipal Law for the urban renewal project area(s) in which the sending site and receiving site are located must permit the transfer of “excess gross floor area.”
  - 6.7.28.2.4 The urban renewal plan approved pursuant to Article 15 of the General Municipal Law for the urban renewal project area in which the sending site is located must contain a determination that the transfer of “excess gross floor area” from an identified “lot” or designated “development site” within the urban renewal project area is appropriate or must clearly delineate areas containing multiple “lots” or “development sites” within the designated urban renewal project area within which a “lot” or designated “development site” may be appropriate to be designated by the “site plan” or special permit approving agency as a sending site.
  - 6.7.28.2.5 The urban renewal plan approved pursuant to Article 15 of the General Municipal Law for the urban renewal project area in which

the receiving site is located must contain a determination that the transfer of “excess gross floor area” from an identified “lot” or designated “development site” within the urban renewal project area is appropriate or must clearly delineate areas containing multiple “lots” or “development sites” within the designated urban renewal project area within which a “lot” or designated “development site” may be appropriate to be designated by the “site plan” or special permit approving agency as a receiving site.

- 6.7.28.2.6 The urban renewal plan(s) for the urban renewal project area(s) in which the transfer of “excess gross floor area” is permitted must establish the standards and conditions for such transfers, including, but not limited to, the minimum and maximum amount and type of “excess gross floor area” (residential or non-residential) that may be transferred.
- 6.7.28.2.7 Prior to the approval of any transfer of “excess gross floor area,” the controlling entity of the receiving site must be designated as the qualified and eligible sponsor, pursuant to Article 15 of the General Municipal Law, for the receiving site.
- 6.7.28.3 The transfer of “excess gross floor area” must be from a specified sending site to a specified receiving site, and such transfers must occur simultaneously. Development rights may not be purchased from one location and held for a future sale to another, as yet unspecified, location.
- 6.7.28.4 An application for a special permit for the transfer of “excess gross floor area” shall include a “site plan” for the sending site as it is proposed to exist or be developed with “excess gross floor area” and a “site plan” for the receiving site as it is proposed to be developed with the addition of the “excess gross floor area” transferred from the sending site.
- 6.7.28.5 No “site plan” approval shall be granted for the sending site unless all existing or new development shown on the “site plan” for the sending site, net of the “excess gross floor area” being transferred, is in full compliance with all of the dimensional requirements set forth in Section 5.3 of this Ordinance and the parking requirements set for in Section 8.3 of this Ordinance.
- 6.7.28.6 No “site plan” approval shall be granted for the receiving site unless all existing or new development shown on the “site plan” for the receiving sending site, including all development resulting from the transfer of the “excess gross floor area” from the sending site, is in full compliance with all of the dimensional requirements, other than “floor area ratio” set forth in Section 5.3 of this Ordinance and the parking requirements set for in Section 8.3 of this Ordinance.
- 6.7.28.7 If any or all of the existing “buildings” or “structures” on the sending site are to

be removed as a condition of “site plan” approval for the transfer of “excess gross floor area,” a building permit shall not be issued for development of the “excess gross floor area” on the receiving site until all “gross floor area” to be demolished on the sending site has been demolished and all modifications to the sending site required by the “site plan” approval have been made and a new Certificate of Use and Occupancy for the sending site, reflecting the reduced floor area, has been issued.

6.7.28.8 Any transfer of 50,000 or more square feet of “excess gross floor area” shall be considered a Type I Action under the New York State Environmental Quality Review (SEQR) regulations.

6.7.28.9 Before the special permit approving agency can consider the transfer of “excess gross floor area” from a sending site, the applicant must demonstrate, to the satisfaction of the approving agency, that the “excess gross floor area” proposed to be transferred could, in fact, be developed on the sending site within the dimensional requirements of Section 5.3 of this Ordinance and the parking requirements of Section 8.3 of this Ordinance, such demonstration to include, but not be limited to:

6.7.28.9.1 Submission of a conceptual development plan for the sending site, prepared by a licensed professional architect or engineer, demonstrating that the “excess gross floor area” proposed to be transferred could be developed on the sending site along with any existing development on the sending site which is not proposed to be demolished, and satisfy the dimensional requirements of Section 5.3 of this Ordinance and the parking requirements of Section 8.3 of this Ordinance.

6.7.28.9.2 Submission of a conceptual development plan for the receiving site, prepared by a licensed professional architect or engineer, demonstrating that the “excess gross floor area” proposed to be transferred could be developed on the receiving site along with any existing development on the receiving site which is not proposed to be demolished, and satisfy the dimensional requirements of Section 5.3 of this Ordinance and the parking requirements of Section 8.3 of this Ordinance.

6.7.28.9.3 An analysis, in written and graphic form, explaining the nature and extent of the requested transfer of “excess floor area,” the planning purposes and relationship to the “Comprehensive Plan” and appropriate urban renewal plan(s) and the benefits to the City and the Central Business District as compared to not permitting the transfer of such “excess gross floor area.”

6.7.28.9.4 Prior to any formal submission or application to the City for development on either the sending site or receiving site, the

applicant and architect or engineer who prepared the conceptual development plan shall meet, informally, with the special permit approving agency to present and discuss the proposal.

6.7.28.9.5 In addition to the application requirements set forth in Sections 6 and 7 of this Ordinance, the formal application for the transfer of “excess gross floor area” shall include the following:

6.7.28.9.5.1 A traffic study covering an appropriate study area, as determined by the deputy commissioner of parking responsible for transportation engineering, encompassing both the sending site and the receiving site.

6.7.28.9.5.2 A visual analysis of development on both the sending site and the receiving site, with and without the transfer of “excess gross floor area.”

6.7.28.9.5.3 A SEQR Long Form evaluation for both the sending site and the receiving site.

6.7.28.10 The Certificate of Use and Occupancy and the deed or other recorded instrument, including, but not limited to, a zoning lot development agreement evidencing the transfer of “floor area ratio” for the sending site shall carry a notation of the “excess gross floor area” transferred from the site and the reduced “floor area ratio” applicable to the site as a result of such transfer.

6.7.28.11 The Certificate of Use and Occupancy and the deed or other recorded instrument, including, but not limited to, a zoning lot development agreement evidencing the transfer of “floor area ratio” for the receiving site shall carry a notation of the “excess gross floor area” transferred to the site and the increased “floor area ratio” applicable to the site as a result of such transfer.

6.7.29 “Restaurant” and “Cafeteria” in the C-O District:

6.7.29.1 Any “building” containing a “restaurant” or “cafeteria” which is not an accessory “use,” shall have sole vehicular access from a State or County Road.

6.7.29.2 The total “gross floor area” of all “restaurants” and “cafeterias,” excluding “accessory” “restaurant or cafeteria uses,” may not occupy more than five percent (5%) of the total permitted “gross floor area” of the property on which it is located.

6.7.29.3 No “building” containing a “restaurant” or “cafeteria,” which is not an “accessory use” shall have a “restaurant” access point located within 300 feet of any residential district, or of any “lot line” of a school or place of worship.

6.7.29.4 No signage or exterior lighting for a “restaurant” or “cafeteria” shall be located

on the side of any "building" facing a residential district, or a "lot line" of a school or place of worship.

- 6.7.29.5 No exterior lighting shall be permitted which would cause illumination beyond the boundaries of the property. Hours of lighting may be limited by the approving agency.

6.7.30 "Nursery School" or "Day Care Centers" in the R2-4 District:

In the R-2 district, "nursery schools" or "day care centers" may be established provided:

- 6.7.30.1 The "nursery school" or "day care center" is located on a County or State highway.

6.7.31 "Multi-family dwelling", "Hotel" and "Extended Stay Hotel" uses in the LI-M District:

- 6.7.31.1 Existing buildings may be converted to include "Multi-family dwelling", "hotel" or "extended stay hotel" uses subject to meeting the following conditions:

- 6.7.31.1.1 A minimum of one floor of the building shall be converted.

- 6.7.31.1.2 Off-street parking is provided in accordance with Section 8. No parking exemptions shall apply.

- 6.7.31.1.3 The conversion is consistent with the character of the area and retains its original exterior appearance to the maximum extent practicable.

- 6.7.31.1.4 The maximum "Floor Area Ratio" (FAR) shall be 3.5.

- 6.7.31.2 "Multi-family dwelling," " hotel" or " extended stay hotel" uses are permitted in expanded buildings subject to meeting the following conditions:

- 6.7.31.2.1 "Multi-family dwelling and related accessory uses are prohibited on the ground floor of the building, except for access to such " Multi-family dwelling" use.

- 6.7.31.2.2 Off-street parking is provided in accordance with Section 8. No parking exemptions shall apply.

- 6.7.31.2.3 The expansion is consistent with the character of the area and retains its original exterior appearance to the maximum extent practicable.

- 6.7.31.2.4 The maximum "Floor Area Ratio"(FAR) shall be 3.5.

- 6.7.31.3 "Multi-family dwelling," "hotel" or "extended stay hotel" uses are permitted in new buildings subject to meeting the following conditions:

- 6.7.31.3.1 "Multi-family dwelling" and accessory uses are prohibited on the ground floor of the building, except for access to such "Multi-family dwelling" use.
- 6.7.31.3.2 Off-street parking is provided in accordance with Section 8. No parking exemptions shall apply.
- 6.7. 31.3.3 The proposed building shall contain a ground floor space that fronts on a street and is at least 20 percent of the lot area in size, which space is dedicated to non-residential uses.
- 6.7.31.3.4 Parking within the footprint of the building is permitted provided it is screened from the street by the facade of the building.
- 6.7.31.3.5 The facade and exterior features are in keeping with the historic or architectural character of the neighborhood.
- 6.7.31.3.6 The minimum "Lot" "Area" in square feet per "Dwelling Unit" shall be 350.

## SECTION 7 - "SITE PLAN" APPROVAL

### 7.1 Approval Required

No building permit shall be issued for a "structure" and no "structure" or "use" shall be established, other than:

- 7.1.1 A "one family" or "two family dwelling" on a parcel of land without any "environmentally sensitive feature" and its permitted "accessory" "structures" and "uses," except as required in Section 8.6.1.5 of this Ordinance;
- 7.1.2 A special permit "use" approved in accordance with the requirements of Section 6 of this Ordinance; or
- 7.1.3 A "structure" or "use" in the CB-4 District the development of which the Common Council has approved, in connection with the process of approval for the contract for sale of the land pursuant to Article 15 of the General Municipal Law, as of the effective date of this Ordinance;

Unless it is in conformity with a "site plan" approved in accordance with this Section. No certificate of "use" and occupancy for such "structure" or "use" shall be issued until all the requirements of such approval and any conditions attached thereto have been met, except as provided in Section 7.9. The continued validity of any certificate of "use" and occupancy shall be subject to continued conformance with such approved "site plan" and conditions. Revisions of approved "site plans" shall be subject to the same approval procedure.

### 7.2 Approving Agencies

The approving agency for "site plans" shall be:

- 7.2.1 The Common Council, where:
  - 7.2.1.1 The minimum parking requirement for the "structure" or "use" proposed, or the proposed construction or creation of new floor space therein, is 50 "parking spaces" or more (25 or more in the Central Parking Area), except for certain changes of "use" pursuant to Section 7.2.3.2.
  - 7.2.1.2 All "structures" or "uses" proposed in the CB-4 District, except for certain changes of "use" pursuant to Section 7.2.3.2.
  - 7.2.1.3 All "structures" or "uses" proposed in the UR-4 District, including the design and location of signage, notwithstanding the provisions of Section 9-10 of the White Plains Municipal Code.
  - 7.2.1.4 "Assisted living facilities."
  - 7.2.1.5 All "structures" or "uses" proposed in the C-O District or "Planned Campus Development District".

7.2.1.6 "Planned Senior Residential Development" in an approved "Planned Senior Residential Development District" which district is in compliance with the regulations at Section 5.8 of this Ordinance.

7.2.2 The Planning Board, where:

7.2.2.1 The minimum parking requirement for the "structure" or "use" proposed, or the proposed construction or creation of new floor space therein is more than 10 but less than 50 "parking spaces" (more than 10 but less than 25 in the Central Parking Area) and for certain changes of "use" pursuant to Section 7.2.3.2, except where the Planning Board finds the impact of any such construction or creation of new floor space to be significant, in which case it may withdraw as the approving agency in favor of the Common Council.

7.2.3 The Commissioner of Building for:

7.2.3.1 All other "structures" or "uses" proposed, except that in the case of any proposed development containing and/or affecting any "environmentally sensitive site or feature," the approving agency shall be the Planning Board, and except that where the Commissioner finds the impact of any such "structure" or "use" to be significant, he may withdraw as the approving agency in favor of the Planning Board.

7.2.3.2 A change of "use" within any zoning district from one existing permitted principal "use" to another permitted principal "use," excluding "bars," where there is no construction or creation of new floor space, and for which no "area" or "use variance" is required, except where the deputy commissioner of parking responsible for transportation engineering determines that an applicant shall provide additional required "parking spaces" pursuant to Section 8.7.8, the approving agency shall be the Planning Board where the additional parking requirement for the new "use" is more than 10 "parking spaces" and the Commissioner of Building where the additional parking requirement for the new "use" is 10 "parking spaces" or less.

7.2.4 A change in the minimum parking requirement does not require a change of approving agency, except as may be directed by the approving agency having jurisdiction.

7.2.5 Notwithstanding the number of required "parking spaces" or the district or area in which a proposed "structure" or "use" would be located, the Common Council may, by adoption of a resolution, reclaim jurisdiction as approving agency for any "site plan" upon the finding, in the Common Council's absolute discretion, that such a "site plan" is of substantial public importance.

### **7.3 Application**

A "site plan" shall demonstrate that the standards of Section 7.5 of this Ordinance can be met and shall include at least the following information, except that the Department of Building may waive such requirements as it deems to be not pertinent or necessary subject to ratification by the

approving agency:

7.3.1 General:

- 7.3.1.1 "Site plans" shall be drawn to a convenient scale, but not less than 1"=50'.
- 7.3.1.2 Such "site plan" shall be prepared and signed by a professional architect, landscape architect, land surveyor or engineer licensed to practice in the State of New York.

7.3.2 Legal Data:

- 7.3.2.1 Name and address of applicant and authorization of owner if different from applicant.
- 7.3.2.2 Ward, block and lot numbers of the property taken from the official tax records.
- 7.3.2.3 Name, address, signature and seal of the professional preparing the "site plan."
- 7.3.2.4 Title of the development, date prepared and date of revision, if any.
- 7.3.2.5 North arrow, scale and location map drawn to a scale of not less than 1" = 800'.
- 7.3.2.6 The location of all adjoining properties, and the owners, ward, block and lot numbers of those properties as shown on the official tax records.
- 7.3.2.7 Description of all existing and proposed deed restrictions or covenants applying to the property filed in favor of the City.
- 7.3.2.8 Existing zoning of the property and all adjoining properties.
- 7.3.2.9 Analysis of conformity to applicable zoning standards including any variances.
- 7.3.2.10 Indication by mapping of the location, and a statement of the area to the nearest multiple of 10 square feet, of any "environmentally sensitive site or feature."

7.3.3 Natural Features:

- 7.3.3.1 Topographic data at a maximum contour interval of 2 feet, showing existing and proposed contours, extended at least 10 feet into adjoining properties.
- 7.3.3.2 Surface features, such as the location of rock outcrops.
- 7.3.3.3 Vegetative cover, including the location of existing wooded areas, significant individual trees and trees on adjacent city property.
- 7.3.3.4 The location of all existing watercourses, waterbodies, intermittent streams, wetland areas and springs.
- 7.3.3.5 Boundaries of any area subject to flooding or storm water overflows including

Flood Hazard Areas as established by the U.S. Department of Housing and Urban Development.

7.3.4 Existing "Structures" and Utilities:

- 7.3.4.1 Location of all "structures" on the premises and approximate location of all neighboring "structures" within 100 feet of all "lot lines" of the premises.
- 7.3.4.2 Location of all existing adjacent public and private "streets," ways, roads, paved areas and sidewalks. The names and existing widths of adjacent "streets," including curb lines and elevations at the centerline of the "street" and the reference "grade" at the curb along the centerline of the "building."
- 7.3.4.3 Locations, dimensions, "grades" and flow direction of existing sewers, culverts, water lines and other underground utilities within the property, to the extent known or relevant. Location of all utilities in the adjacent "street" and connections to "structures" on the premises. Invert and rim elevation at all manholes closest to "lot lines" of the premises.
- 7.3.4.4 Fences, landscaping and screening.
- 7.3.4.5 All other existing improvements.

7.3.5 Proposed Developments:

- 7.3.5.1 The location and dimensions (length, width, floor elevations and "height" in feet and in "stories") of proposed "structures," with floor plans showing all proposed floor space by type of "use" and floor level.
- 7.3.5.2 Preliminary architectural plans showing at least exterior elevations and materials to be used.
- 7.3.5.3 The location, width and finished "grades" of proposed public and private "streets," ways, roads and sidewalks, including pavement type and profiles.
- 7.3.5.4 The location, layout, finished "grade," pavement specifications and curbing proposed for "parking lots" and "loading spaces," including access drives.
- 7.3.5.5 Driveway profiles from the centerline of the "street" to the garage floor or "parking lot." Indicate slopes by percent of "grade." Elevations at centerline of "street," top of curb, and at the "lot line" must also be indicated on the profile. Where there is no curb, the curb elevation is assumed to be equal to the elevation at the centerline of the "street" and should be so indicated.
- 7.3.5.6 The location, design and proposed screening of outdoor storage areas, including proposed provisions for refuse storage and collection.
- 7.3.5.7 The location, size and design of all proposed water supply, sanitary sewage, valves and hydrants and other utility facilities, including connections to any

existing such facilities, with profiles.

- 7.3.5.8 Storm water drainage systems with details of catch basins, dry wells, retention basins and other related facilities. Calculation of expected storm drain loads and storm water runoff pattern to be accommodated by the proposed drainage system.
  - 7.3.5.9 Landscaping plan, to include type, size, quantity and location of plants and other landscaping materials to be used, with English and Latin names. Included in the plan shall be an indication of all existing vegetation to be retained and the methods to be used to protect such vegetation during the course of construction.
  - 7.3.5.10 Type, location, design, shielding and hours of operation of exterior lighting.
  - 7.3.5.11 Location, type, size, wording, design, color and illumination of all signs.
  - 7.3.5.12 Location, type and size of all security grilles or similar security grates or devices, and the type and hours of operation of internal lighting security, after the close of business.
  - 7.3.5.13 Estimate of earth work, showing the quantity of any material to be imported to or removed from the site.
  - 7.3.5.14 Description of measures planned to assure proper erosion and sedimentation control both during and after construction, with reference to Westchester County's Best Management Practices Manual for Construction Related Activities, Standards and Specifications.
  - 7.3.5.15 A Storm Water Pollution Prevention Plan (SWPPP) consistent with the requirements of Chapter 3-6 of the Municipal Code of the City of White Plains shall be required for "site plan" approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 3-6-6 of the Municipal Code of the City of White Plains. The approved "site plan" shall be consistent with the provisions of Chapter 3-6 of the Municipal Code of the City of White Plains.
  - 7.3.5.16 A statement from the applicant's engineer indicating the estimated cost of construction of all new "streets" and sidewalks and of the water supply, sanitary sewage and storm drainage systems.
- 7.3.6 Other: Any other information determined necessary or appropriate by the approving agency in order to provide for the proper administration and enforcement of this Ordinance.

#### **7.4 Review Procedure**

- 7.4.1 Application: Applicants are encouraged to submit a preliminary, informal application and to discuss it with the approving agency prior to formal submission of a complete and

detailed "site plan" application. Formal and informal applications for "site plan" approval shall be submitted to the Department of Building, in 35 copies when the Common Council is the approving agency, in 25 copies when the Planning Board is the approving agency, and in 5 copies when the Commissioner of Building is the approving agency. If determined to be complete, the application shall be forwarded by the Department of Building to the approving agency, with a report by the Commissioner of Building on the conformity of the "site plan" to applicable zoning standards. An application shall be considered officially submitted and received on the date of the next regular meeting of the approving agency following such forwarding. Where the Commissioner of Building is the approving agency, the "site plan" shall be considered officially submitted and received on the date it is determined to be complete by the Department of Building.

7.4.2 Review by Other Agencies: The approving agency may forward copies for review and report to such officials and agencies of the city as it deems appropriate. It shall forward copies for review and report to the Design Review Board where the "site plan" includes a new "building" or a change in the cubic content or exterior appearance of an existing "building" and it shall forward for review and report all "site plan" applications to the deputy commissioner of parking responsible for transportation engineering. In the event that the area involved in any application, and indicated on the "site plan" includes and/or refers to any "environmentally sensitive site or feature," it shall forward copies for review and report to the Conservation Advisory Council, if it exists. When the Common Council is the approving agency, it shall forward copies for review and report to the Planning Board. All agencies shall have 30 days from the date of forwarding to submit a report. Such time limit may be extended by mutual agreement with the applicant, but any such extension shall apply equally to the time limits of Section 7.4.3. Any approving agency shall, in addition, forward copies to the Westchester County Planning Board when such proposed development abuts a State or County highway, park, drainage channel or "building" site, and to the clerk of any abutting municipality where the property proposed for such development is located within 500 feet of such municipality, in accordance with Section 277.61 and 277.71 of the Westchester County Administrative Code. Any revision to a "site plan" or to the application for "site plan" approval shall be referred to the Department of Building for analysis of conformity to applicable zoning standards.

7.4.3 Action: Within 90 days of the receipt of a completed application, unless such time limit is extended by mutual agreement with the applicant, the approving agency shall approve, approve with modifications, or disapprove the application. The approving agency shall approve the application where it finds that the standards of Section 7.5 have been met. The approving agency may approve such application conditionally where it finds that such conditions or modifications are necessary to insure initial and continued conformance with the standards of Section 7.5. The decision of the approving agency shall immediately be filed in the office of the City Clerk and the Department of Building with a copy thereof mailed to the applicant. Failure by the approving agency to take action within the time limit specified, unless extended by the applicant in writing, shall constitute disapproval.

7.4.4 Variances in Conjunction with a "Site Plan":

7.4.4.1 No application shall be deemed complete unless it complies with all the

requirements of this Ordinance and any necessary variances have been granted by the Board of Appeals.

7.4.4.2 In cases where an application requires one or more variances, the applicant shall be so advised by the Department of Building, which shall also advise the applicant of the procedures and requirements to be followed in seeking any necessary variance(s) from the Board of Appeals. No further action shall be taken with respect to an application unless and until all required variances have been approved by the Board of Appeals.

7.4.4.3 After approval by the Board of Appeals of any necessary variances, an application for "site plan" approval may be submitted and processed in accordance with Section 7.4.1 of this Ordinance.

7.4.5 Approvals with "Environmentally Sensitive Sites or Features": In the event that the area involved in any application, and indicated on the "site plan" includes and/or refers to any "environmentally sensitive site or feature," the application shall be subject to the regulations contained in Section 4.4.25 of this Ordinance.

## 7.5 Standards

In considering and approving "site plans," the approving agency shall take into consideration the purposes of this Ordinance, including the purposes of the applicable zoning district or districts, and, as a condition of approval, may require such modifications of the proposed "site plans" as it deems necessary to comply with the spirit as well as the letter of this Ordinance. The approving agency shall specifically take into account the following:

7.5.1 Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan." Variances granted by the Board of Appeals need not be regarded by the approving agency as satisfying the requirement of conformity with this Ordinance for purposes of this review and approval. The approving agency shall review any such variances and may deny approval or require modifications pursuant to Section 7.5, above, in the event it finds any such variances produce or permit an unsatisfactory condition or arrangement in the "site plan" before it.

7.5.2 Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:

7.5.2.1 The effect of the proposed development on traffic conditions on existing "streets."

7.5.2.2 The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways. Vehicular access to State and County roads must also be approved by the State Department of Transportation or the County Department of Public Works, as appropriate.

7.5.2.3 The visibility in both directions at all exit points of the site. The driver of an

automobile exiting the site should have an unobstructed view of the "street" for that distance necessary to allow safe entrance into the traffic stream.

- 7.5.2.4 The location, arrangement and adequacy of off-"street" "parking lots," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.
  - 7.5.2.5 Interconnection of "parking lots" via access drives within and between adjacent "parking lots," in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.
  - 7.5.2.6 The location, arrangement and adequacy of "loading spaces," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.
  - 7.5.2.7 Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining "street" and sidewalk system. Sidewalk crossings for whatever purpose must be reviewed by the Commissioners of Public Safety and Public Works.
  - 7.5.2.8 The location, arrangement and adequacy of facilities for the physically handicapped, such as ramps, depressed curbs and reserved "parking spaces."
  - 7.5.2.9 The location, arrangement and adequacy of landscaping within and bordering "parking lots" and "loading spaces," which shall, at a minimum, meet the requirements of Section 8.7.5 of this Ordinance.
  - 7.5.2.10 Adequacy of fire lanes and other emergency zones. The approving agency may require the provision of fire zones and may also require suitable legal agreements for enforcement of any accompanying parking restrictions.
- 7.5.3 The protection of environmental quality and the preservation and enhancement of property values in the neighboring area. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:
- 7.5.3.1 The location, height and materials of walls, fences, hedges and plantings so as to insure harmony with adjacent development, screen "parking lots" and "loading spaces," and conceal storage areas, refuse areas, utility installations and other such features. Such walls, fences, hedges and plantings shall, at a minimum, meet the requirements of Sections 4.4.16, 4.4.19 and 8.7.5 of this Ordinance.
  - 7.5.3.2 The prevention of dust and erosion, both during and after construction, through the planting of ground cover or the installation of other appropriate ground surfaces.
  - 7.5.3.3 The preservation of natural features of the site such as wetlands, unique wildlife habitats, historic "structures," major trees and scenic views both from the site and onto or over the site.

- 7.5.3.4 The conformity of exterior lighting to the requirements of Section 4.4.20 of this Ordinance.
  - 7.5.3.5 The design and arrangement of "buildings," "structures" and accessory facilities (such as air conditioning systems, public address systems, etc.) so as to achieve minimum and acceptable noise levels at the property boundaries.
  - 7.5.3.6 The provision of adequate storm and surface water drainage facilities so as to properly drain the site while minimizing downstream flooding. Upon completion of development, the control and retention of storm water runoff shall be provided as directed by the Commissioner of Public Works, who may require the submission of an Engineer's Report.
  - 7.5.3.7 Access to sunlight for present and potential solar energy systems, both on and off site, as well as "building" siting, orientation and landscaping, meeting at a minimum the requirements of Section 4.4.21 of this Ordinance.
- 7.5.4 A quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent neighborhood. On report and recommendation of the Design Review Board, the approving agency shall evaluate the architectural features of the proposed design to determine if they are in harmony with the neighborhood, including consideration of architectural style, bulk dimensions, materials and location on the site and, in relation to development on adjoining properties, the natural terrain and vegetation.

## **7.6 Expiration**

Unless other provisions are specifically set forth by the approving agency in connection with its approval of a "site plan," such approval shall expire if substantial construction is not completed within 1 year of approval, or if all required improvements are not completed within 3 years of approval or if the construction or "use" shall cease for more than 6 months in any 12 month period.

## **7.7 Amendments**

- 7.7.1 Minor Amendments: After approval of a "site plan," the Commissioner of Building may approve minor amendments thereto under the following circumstances and conditions:
- 7.7.1.1 A minor amendment is a modification, "alteration," adjustment or change in an approved "site plan" that does not exceed any of the following thresholds:
    - 7.7.1.1.1 There is no increase in the mandatory off-"street" parking or loading requirement.
    - 7.7.1.1.2 There is no increase in "use," and no new "use" is established.
    - 7.7.1.1.3 There is no significant "alteration" of the essential characteristics of the design, layout or arrangement of "buildings," parking, circulation, landscaping, or relationship of the project to the "street," adjacent properties and the area in general.

- 7.7.1.1.4 There is no increase in the number of “stories” or “mezzanine” levels in any “buildings.”
- 7.7.1.2 There is a written application for an amendment, together with copies of plans, sections, specifications, and/or other such documentation illustrating the proposed amendment in sufficient number as determined by the Commissioner of Building to facilitate appropriate review.
- 7.7.1.3 Upon receipt of an application for a minor amendment to an approved "site plan," the Commissioner of Building shall transmit notice thereof, including a synopsis or brief description of the proposal, to the approving agency for appearance on the agenda of its next-occurring meeting. The approving agency, if it objects to approval of such minor amendment by the Commissioner of Building, shall so signify by majority vote or such other vote as is required by law. In the event of an objection by the approving agency, the Commissioner of Building shall refer the proposed amendment to the approving agency for review and consideration in accordance with Section 7.7.2. Except upon objection at its next-occurring meeting or within 30 days of receipt of notice, whichever is earlier, the approving agency shall have no role in the consideration of minor amendments save for referral under Section 7.7.1.6 hereof.
- 7.7.1.4 The application and illustrative material shall be referred by the Commissioner of Building to such departments and agencies as the Commissioner deems proper, and in every case involving the exterior appearance of a site, "building" or project, it shall be referred to the Design Review Board.
- 7.7.1.5 Each department and agency to which such referral is made shall notify the Commissioner of Building within 5 days of receipt of the referral whether it wishes to comment on such referral and, if it does, shall deliver such comments to the Commissioner of Building within 10 days of receipt of the referral. Non-response to a referral shall be deemed to represent no objection to the proposed amendment referred. In the case of a referral to a board or commission, receipt of a referral shall be deemed to be the date of the next meeting.
- 7.7.1.6 The Commissioner of Building shall incorporate all recommendations and conditions made by departments and agencies in any approval of a minor amendment of a "site plan." In the event of conflicting recommendations or conditions, and/or in the event any department or agency recommends denial of a proposed minor amendment, the request for amendment shall be submitted to the approving agency for its consideration.
- 7.7.1.7 No minor amendment to an approved "site plan" shall be approved by the Commissioner of Building until there has been substantial compliance with all applicable codes, ordinances and regulations, and until all applicable conditions in the original "site plan" approval have been met.

7.7.1.8 Notwithstanding the provisions of Section 7.7.1 herein above, during construction, the Commissioner of Building may authorize minor adjustments to the approved "site plan" when such adjustments appear necessary in light of technical or engineering considerations, the existence or materiality of which was first discovered during actual construction, except where any such adjustments involve or include the addition of any "stories" or "mezzanine" levels which shall in all cases be reviewed under Section 7.7.2. Such minor adjustments shall be consistent with the concepts of the approved "site plan."

7.7.2 Substantial Amendments: Where unforeseen conditions are encountered which require any change to an approved "site plan" which the Commissioner of Building considers substantial, or where the applicant wishes to modify the approved "site plan" for other reasons, an amended "site plan" shall be filed for review and approval in accordance with the same procedures required for initial applications.

## **7.8 Guarantee of Completion**

Where, in the opinion of the Commissioner of Building, the elements of an approved "site plan" are substantially complete, and the "structure" or "use" meets the requirements of other applicable codes and ordinances, the Commissioner of Building may issue a temporary certificate of use and occupancy for a period of up to 90 days, subject to a suitable assurance that all required elements of the approved "site plan" will be completed as soon as practicable. Where the Commissioner of Building finds good cause, he may extend such temporary certificate of use and occupancy for two additional periods of not to exceed 90 days each.

## **7.9 As-Built Plan**

Upon completion of construction, an as-built "site plan" shall be submitted to the Department of Building, which plan shall show all elements of the site as actually constructed. Except as provided in Section 7.8 above, no certificate of use and occupancy may be issued until the as-built "site plan" has been reviewed by the Department of Building and found to be in compliance with the approved "site plan"; or has been approved by the original approving agency as the final "site plan" following review and approval in accordance with the same procedures required for initial application.



## **SECTION 8 - OFF-"STREET" PARKING AND LOADING**

### **8.1 Purposes**

All "structures" and "uses" shall be provided with a sufficient amount of off-"street" "parking" and "loading spaces" for employees, residents, visitors, clients, patrons and other "persons" at such "structures" or "uses," but not less than the minimum requirements of this Ordinance. No certificate of "use" and occupancy shall be issued for any "structure" or "use," whether for a new "structure" or a change of "use" of an existing "structure," until such off-"street" "parking" and "loading spaces" have been established in accordance with the requirements of this Ordinance.

### **8.2 Limitations on Reserved Spaces**

8.2.1 No more than 2/3 of the "parking spaces" provided to meet the minimum requirements of this Ordinance may be reserved for specific individuals.

8.2.2 "Parking spaces" may be shared or jointly utilized by residential tenants and non-residents provided that the standards of Section 7.5 and the conditions of Section 8.5.3 are met at all times.

8.2.3 Neither of these limitations applies to "parking spaces" provided in excess of the minimum requirements of this Ordinance.

### **8.3 Schedule of Parking and Loading Requirements**

The following schedule presents the minimum "parking space" and "loading space" requirements of this Ordinance. Where a "lot" contains more than one "use," the minimum requirements must be satisfied for each and every such "use." For "uses" that do not fall within the categories listed or "uses" for which no minimum number of "parking spaces" is provided, the deputy commissioner of parking responsible for transportation engineering shall, in his review pursuant to Section 8.7.8, recommend to the approving agency the minimum "parking space" and "loading space" requirements, based on the specific nature of the facility and on accepted engineering practice.

"USES"	MINIMUM NUMBER OF "PARKING SPACES"		MINIMUM NUMBER OF "LOADING SPACES"
	PER 1,000 sq. ft. (prorated so that the requirement shall be the next highest integer)	OTHER	
<u>RESIDENTIAL</u>			
"One family dwelling"	--	2 per such "use"	--
"Two family dwelling"	--	2 per "dwelling unit"	--
"Multi-family dwelling"	--	1 per "dwelling unit" plus ½ per bedroom	--
		1 per "dwelling unit" plus 1/3 per bedroom if in RM-1, RM-1.5 or O-R, BR-1 or BR-2, or PCD.	
		<ul style="list-style-type: none"> <li>· 1 per "dwelling unit" plus ½ per bedroom if in the RM-1.5T and the property is on a State or County road.</li> <li>· 1 per "dwelling unit" plus 1/3 per bedroom if the property is not on a State or County road.</li> </ul>	
		1 per "dwelling unit" plus 1/4 per bedroom if in RM-0.7, RM-0.4, RM-0.35, B-1, B-3, CB-1, CB-2, CB-3 or CB-4, except in the Central Parking Area and over three "stories"	
		1 per "dwelling unit" if in CPA and over 3 "stories"	
		0.4 per "dwelling unit" for Senior Citizen Assisted Housing or "assisted living facility"	
		1 per "dwelling unit" in UR-4	
"Roomers"	--	1 per "roomer"*(See Section 8.4)	--
Accessory servants quarters	--	1 per such "use"	--
"Planned Senior Residential Development"	--	<ul style="list-style-type: none"> <li>· 1.25 per independent senior living unit</li> <li>· 0.4 per "dwelling unit" for "assisted living facility"</li> <li>· 0.33 per bed for "domiciliary care facilities"</li> <li>· 5 per 1,000 sq. ft. GFA for all complementary medical facilities</li> <li>· 2.5 spaces per 1,000 sq. ft. GFA for special medical or rehabilitation facilities</li> </ul>	for every 100,000 sq. ft. of medical office use and "assisted living facility" or "domiciliary care facility" "use": 1
<u>RECREATION</u>			
Customary indoor or outdoor athletic facilities such as playfields and stadia as accessory to a private school, "university," "college" or seminary	--	0.1 per seat	--
Commercial indoor "recreational facilities" and "health clubs"	CPA: 3 Other: 5	--	Up to 10,000 sq. ft.: 1
			For each additional 100,000 sq. ft.: 1 additional

"USES"	MINIMUM NUMBER OF "PARKING SPACES"		MINIMUM NUMBER OF "LOADING SPACES"
	PER 1,000 sq. ft. (prorated so that the requirement shall be the next highest integer)	OTHER	
Tennis courts	--	3.2 per court (2 per court CPA)	--
Squash, handball, racquet- ball and similar courts	--	1.6 per court (1 per court CPA)	--
Bowling alleys	--	4 per alley (3 per alley CPA)	--
Theatres	B-6 District only: 3.0	0.33 per seat (0.22 per seat CPA)	--
Skating rinks, ballrooms	10	--	--
"Membership clubs"	Meeting or banquet rooms: 10 Offices: 3 Bars: 13.3	--	1
"Golf and country clubs"	See Section 6.5.4		
<u>SEMI-PUBLIC</u>			
Hospitals or sanatoria	--	1.25 per bed plus 1 per 400 sq.ft. GFA of any out-patient clinic. See also Sec. 6.7.5	1 per 100,000 sq.ft. GFA
Churches or other places of worship, including Sunday schools or other similar religious schools and/or other "uses" accessory to churches or other places of worship not otherwise listed	10	--	--
Parish houses or rectories	--	2 per such "use"	--
Convents	--	0.1 per bed	--
<u>COMMUNITY FACILITIES</u>			
"Uses" of other governments	See Section 5.6		
"Private secondary or elementary schools"	See Section 6.5.4		
"Nursery schools" or day care centers"	1.0	--	--
"Nursery schools" or "day care centers" in conjunction with a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	1.0	--	--
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public school" or "private secondary or elementary school"	1.0	--	--
"Universities," seminaries or "colleges"	See Section 6.7.6		
"Domiciliary care facilities," "community residences" or "rooming houses"	--	0.33 per bed	--
"Transitional housing for homeless families"	See Section 6.7.25		
Libraries, museums or art galleries not operated for profit	CPA: 2.2 Other: 3.3	--	--

"USES"	MINIMUM NUMBER OF "PARKING SPACES"		MINIMUM NUMBER OF "LOADING SPACES"
	PER 1,000 sq. ft. (prorated so that the requirement shall be the next highest integer)	OTHER	
<b>OFFICE</b>			
Business or professional office, except physicians and dentists	CPA: 2.0 Other: 3.0	--	Up to 75,000 sq.ft.: 1
			75,000-150,000 sq.ft.: 2
			150,000-250,000 sq.ft.: 3
			250,000-350,000 sq.ft.: 4
			Over 350,000 sq. ft.: 4 plus additional as determined by the approving agency
Offices for group education, training or counseling in "buildings" containing no residential "uses"	CPA: 2.0 for administrative floor space plus 0.22 per seat for general assembly/ classroom area	--	Up to 75,000 sq.ft.: 1
			75,000-150,000 sq.ft.: 2
	150,000-250,000 sq.ft.: 3		
	250,000-350,000 sq.ft.: 4		
	Other: 3.0 for administrative floor space plus 0.33 per seat for general assembly/classroom area		Over 350,000 sq. ft.: 4 plus additional as determined by the approving agency
Office space for physicians or dentists	CPA: 3.3, but in no case less than 5 "spaces"	--	Up to 10,000 sq.ft.: None
	Other: 5.0 but in no case less than 5 "spaces"		10,000-100,000 sq.ft.: 1
			For each additional 100,000 sq.ft. or fraction: 1 additional
Office in residence of a "professional person"	--	4 per physician or dentist; 2 per other "professional person"	--
Business, administrative or headquarters offices for "philanthropic institutions"	CPA 2.0 Other 3.0	--	--
<b>BUSINESS</b>			
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "cafes" and "real estate offices," but not including sales of automobile parts and accessories involving installation at the point of sale	CPA: 3.3	--	Up to 8,000 sq.ft.: 1 (CPA: none)
			8,000 - 16,000 sq.ft.: 1
	B-6 District only: 3.0 with no further adjustment for joint use pursuant to Section 8.5.3		16,000 - 50,000 sq.ft.: 1 additional
	For uses outside of the CPA, having a gross floor area of at least 150,000 sq.ft. within a single "development site": 4.0		Each additional 50,000 sq.ft.: 1 additional
	Other: 5.7		--
"Retail laundries" or "retail dry cleaners"	CPA: 3.3 Other: 5.7	--	--

"USES"	MINIMUM NUMBER OF "PARKING SPACES"		MINIMUM NUMBER OF "LOADING SPACES"
	PER 1,000 sq. ft. (prorated so that the requirement shall be the next highest integer)	OTHER	
Banks	--	CPA: 3 per pedestrian teller station or 3.3. per 1,000 sq.ft. GFA, whichever is greater All other: 5 per pedestrian teller station or 5.7 per 1,000 sq.ft. GFA, whichever is greater	--
"Consumer financial services establishments"	CPA: 3.3 B-6: 3.0	--	--
Libraries, museums or art galleries	CPA: 2.2 Other: 3.3	--	--
"Auction houses"	10.0	--	2
"Hotels" and "Extended Stay Hotels"	See Section 6.7.7		
Newsstands	--	--	--
Radio stations	2.5	--	--
"Customary home occupations"	--	--	--
"Restaurants," "cafeterias" "cabarets" or "bars"	B-6 District only: 3.0 CPA: 3.3	Outside CPA: 1 per 3 seats or 13.3 per 1,000 sq.ft. GFA, whichever is greater	B-6 District only: as required by approving agency
Outdoor dining	See Section 6.7.8.4		
"Fast food eating establishments"	CPA: 10 Other: 20	--	1
Mortuaries or funeral homes	--	20 per 1,000 sq.ft. of floor space in assembly rooms plus 1 per commercial vehicle kept on the "lot"	--
Veterinary hospitals, including boarding or care of small animals	5.0	--	--
<u>AUTOMOTIVE</u>			
Motor vehicle sales or rental, including accessory "repair shops," "service stations" or outdoor storage of motor vehicles	--	Sales: 12 per such "use" plus 2 per 1,000 sq.ft. GFA Rental: 3 per such "use"	--
Motor vehicle "service stations" or motor vehicle "repair shops"	--	1 per 1,000 sq.ft. of "lot area"	--
Auto laundries	2.0	--	--
<u>INDUSTRIAL</u>			
Manufacturing, fabrication, finishing or assembling of products	2.5	plus 1 per commercial vehicle kept on "lot"	Up to 1,500 sq.ft.: None
			1,500-11,500 sq.ft.: 1
			For each additional 10,000 sq.ft.: 1 add-tonal

"USES"	MINIMUM NUMBER OF "PARKING SPACES"		MINIMUM NUMBER OF "LOADING SPACES"
	PER 1,000 sq. ft. (prorated so that the requirement shall be the next highest integer)	OTHER	
Research, experimental, medical or testing laboratories	2.5 (1.7 CPA)	plus 1 per commercial vehicle kept on "lot"	Up to 1,500 sq.ft.: None
			1,500-11,500 sq.ft.: 1
			For each additional 10,000 sq.ft.: 1 add-tonal
Printing plants	2.5 (1.7 CPA)	plus 1 per commercial vehicle kept on "lot"	Up to 1,500 sq.ft.: None
			1,500-11,500 sq.ft.: 1
			For each additional 10,000 sq.ft.: 1 add-tonal
Wholesale businesses, storage or warehousing	1.3	plus 1 per commercial vehicle kept on "lot"	Up to 1,500 sq.ft.: None
			1,500-11,500 sq.ft.: 1
			For each additional 10,000 sq.ft.: 1 additional
"Mini-storage facility"	--	1 per employee plus 5 for patrons, but in no case less than 1 per every 200 storage units	As required by the approving agency
Outdoor storage of building or other materials	0.8	plus 1 per commercial vehicle kept on "lot"	--
Outdoor storage of commercial or industrial vehicles or construction equipment	--	--	--
Laundry and dry cleaning plants	3.0	plus 1 per commercial vehicle kept on "lot"	Up to 1,500 sq.ft.: 1
			For each additional 10,000 sq.ft.: 1 add-tional
"Public utility buildings or structures"	See Section 6.5.4		
Automobile wrecking, storage or treatment of junk, iron, bottles, scrap paper or similar materials	--	0.25 per 1,000 sq.ft. of "lot area"	Up to 1,500 sq.ft.: 1
			For each additional 10,000 sq.ft.: 1 add-tonal

\* NOTE:

No off-"street" parking will be required for an adult "family"-type home which meets the following requirements:

- (a) the adult "family"-type home shall be licensed by the N.S. Dept. of Social Services pursuant to 18 NYCRR Part 485;
- (b) the home shall be limited to 2 elderly adults;
- (c) any change in the status of the home or the "roomers" shall be reported to the Commissioner of Building;
- (d) the Westchester County Department of Social Services shall certify to the Commissioner of Building that each "roomer" does not possess a driver's license.

## 8.4 Existing "Structures" and "Uses"

- 8.4.1 "Structures" and "uses" in existence or for which building permits have been issued prior to the effective date of this Ordinance shall not be subject to the "parking or loading space" requirements of this Ordinance, provided that any parking and loading facilities then existing to serve such "structures" or "uses" shall not in the future be reduced, or pre-designated to serve other "structures" or "uses," except to the extent they exceed such requirements.
- 8.4.2 At the time of any construction or creation of new floor space within such existing "structures" or "uses" in the future:
- 8.4.2.1 Required parking and loading facilities for that part of the "structure" or "use" that results from the proposed construction or creation of new floor space shall be provided in accordance with the requirements of this Ordinance.
- 8.4.2.2 The provisions of Section 8.4.1 to the contrary notwithstanding, to the extent deemed physically possible, feasible and reasonable by the agency approving a "site plan" or special permit, required parking and loading facilities shall be provided in accordance with the requirements of this Ordinance on the same "lot" or "development site" with the "structure" or "use" for the existing portion of such "structure" or "use" that is legally non-conforming as to "parking and loading space" requirements.
- 8.4.2.3 The approving agency shall not permit a reduction or elimination of whatever quantity of "parking or loading space" that may already exist, except to the extent that it may exceed such requirement.
- 8.4.2.4 A "building" which is "dimensionally non-conforming" with respect to off-"street" parking or loading shall receive a credit for the difference between the currently required parking and/or loading and the total number of spaces actually provided for the existing legal "use" or legally "non-conforming use." This credit may be applied toward the parking and/or loading requirement for any future "use" of the existing "building." If the "use" to which a "building" is changed requires less off-"street" parking and/or loading, the parking or loading credit shall not be reduced and may be applied again for any future changes in the "building's" "use." These credits may not be applied to the expansion of any "use" or other new "floor area" within an existing "building." Upon demolition of an existing "building," all such credits shall be extinguished, except in the Central Parking Area where such credit may be applied to the creation of new "floor area."
- 8.4.3 At the time of any change of "use" of such existing "structure" or at the time of any change to such existing "structure" other than the construction or creation of new floor space:
- 8.4.3.1 Required parking and loading facilities shall be provided in accordance with the requirements of this Ordinance to the extent that the requirements for such facilities were increased by the change, except in the case of a change of "use"

from one existing permitted principal "use" to another permitted principal "use," excluding "bars," where no additional parking and loading facilities shall be required, unless the deputy commissioner of parking responsible for transportation engineering determines the need for additional "parking or loading spaces" pursuant to Section 8.7.8.

- 8.4.3.2 The provisions of Section 8.4.1 to the contrary notwithstanding, to the extent deemed physically possible, feasible and reasonable by the agency approving of a "site plan" or special permit, required parking and loading facilities shall be provided in accordance with the requirements of this Ordinance on the same "lot" or "development site" with the "structure" or "use" for that portion of the requirement not attributable to any such change in the case of "structures" or "uses" that are legally non-conforming as to parking or loading requirements.
- 8.4.3.3 The approving agency shall not permit a reduction or elimination of whatever quantity of "parking or loading space" that may already exist, except to the extent that it may exceed such requirement.

## **8.5 Alternate Methods of Providing Parking**

- 8.5.1 Fee-in-Lieu: Within the Central Parking Area, as shown on the Zoning Map, any "person" required to provide off-"street" parking for a "structure" or "use" may make a cash payment to the City of White Plains Parking Fund in lieu of providing all or a portion of the required "parking spaces," subject to the following:
  - 8.5.1.1 Any "person" may make said cash payment in lieu of providing up to 10 required off-"street" "parking spaces."
  - 8.5.1.2 Any "person" may request permission from the approving agency for the special permit or "site plan" to make said cash payment in lieu of providing 11 or more additional required off-"street" "parking spaces."
  - 8.5.1.3 The approving agency may in its discretion accept all or a portion of the fee-in-lieu offered pursuant to Section 8.5.1.2 in substitution for all or a portion of the required "parking spaces." Where appropriate, it may require the submission of studies and plans demonstrating that practical considerations preclude the provision of such "parking spaces" by the applicant.
  - 8.5.1.4 The amount of the fee-in-lieu required shall be established pursuant to a fee schedule under a separate resolution adopted by the Common Council.
  - 8.5.1.5 By acceptance of the fee-in-lieu, the City of White Plains undertakes to provide parking of a type, location and quantity appropriate for the particular "use" within a reasonable period of time, taking into account the existing supply and demand for parking in the area of said "use." The City may charge for the use of such spaces an amount generally consistent with the charge for other publicly provided parking in the same area.

- 8.5.1.6 The fee-in-lieu which is based on the current average construction or renovation cost for structured and at-grade parking shall be placed in the City of White Plains Parking Fund. The expenditure of revenues from such Parking Fund shall be limited exclusively to those actions designed to increase the quantity and/or the quality of "parking spaces" available to serve properties within the Central Parking Area. Notwithstanding the definition of "parking space" contained in Section 2.4 of this Ordinance, the term "parking spaces" as use in this section shall include both off-"street" and on-"street" parking.
- 8.5.2 Satellite Parking: Notwithstanding the requirements of Section 8.6, the agency approving a "site plan" or special permit may permit all or a portion of the required "parking spaces" to be provided in a separate location (satellite "parking lot" or "parking garage"), subject to the following:
- 8.5.2.1 The approving agency may require that such satellite "parking lot" or "parking garage" may only be provided to satisfy the needs of long term parkers, which shall generally mean that cars will be parked in the same "parking space" at least 7 hours.
- 8.5.2.2 Where the approving agency finds the distance from the "use" to the satellite "parking lot" or "parking garage" to be too great for walking, it shall allow it only for long-term parkers as provided in Section 8.5.2.1 and shall require a suitable connecting service, such as bus service, to be provided for transporting occupants of the automobiles to and from the satellite "parking lot" or "parking garage." The scheduling, frequency and convenience of the connecting service shall be subject to approval as a part of the "site plan" and shall be such that it will encourage use of the satellite "parking lot" or "parking garage."
- 8.5.2.3 The approving agency may require, as a condition of its approval, a suitable assurance of the continued availability of the connecting service and of the use of said satellite "parking lot" or "parking garage" in connection with the "use" which it serves.
- 8.5.3 Joint Use: The agency approving a "site plan" may allow off-"street" "parking and loading spaces" required for "structures" or "uses" on the same or adjacent "lots" to be provided in a single common facility, on one or more of said "lots" or in a satellite "parking lot" or "parking garage," subject to the following:
- 8.5.3.1 The total capacity of the common facility shall be the sum of the requirements of each individual "use," except that said total capacity may be reduced by the approving agency, providing the applicant demonstrates to the satisfaction of the approving agency that the capacity of such facility will meet the intent of the requirements by reason of the provision of non-reserved "parking spaces" and variation in the probable time of maximum use by residents, visitors, patrons and employees among such "uses."
- 8.5.3.2 As a condition of its approval, the approving agency shall require a legal

instrument satisfactory to the Corporation Counsel assuring the continued existence and use of said "parking spaces" in connection with the "uses" and "structures" that they serve. Such instrument shall also guarantee that upon termination of such "use" each individual participant will provide off-"street" "parking and loading spaces" for its own "use" in accordance with all requirements of this Ordinance.

#### 8.5.4 Automated Parking

Within the Central Parking Area, the "Planned Senior Residential Development District", the C-O District and the "Planned Campus Development District" as shown on the Zoning Map, where the Common Council is the approving agency for a "site plan", the Common Council may, at its sole discretion, permit all or a portion of the required "parking spaces" for private passenger vehicles to be provided in a parking "structure" employing one or more automated vehicle parking systems subject to the following:

- 8.5.4.1 As a condition of approval, and in addition to the requirements of Section 7.3 of this Ordinance, the applicant shall be required to provide to the Common Council as part of the "site plan" review and approval, pursuant to Section 7 of the Zoning Ordinance, the following documents:
  - 8.5.4.1.1 the technical specifications, operating and maintenance procedures, and performance history for the proposed automated parking system satisfactory to the Commissioners of Building, Public Works and Parking, and the deputy commissioner of parking responsible for transportation engineering.
  - 8.5.4.1.2 a parking management plan, satisfactory to the Commissioners of Building, Public Works and Parking, and the deputy commissioner of parking responsible for transportation engineering detailing with the operation of the automated parking system, and including a plan showing how the number of "parking spaces" provided in the largest automated parking system on the site can be accommodated on site or through satellite parking in the event any such system is not operational for a period exceeding 24 hours.
- 8.5.4.2 All HVAC equipment and emergency generators serving the automated parking system must be located within a sound attenuated structure, preferably within the parking structure. The design of the HVAC equipment and emergency generators must be reviewed by the Building Department to ensure that sound levels will be at or below 55 db, and increases of 5 dBA or greater will not be permitted to be perceptible to adjacent properties. No building permit for the installation of such equipment shall be issued until such determination has been made.
- 8.5.4.3 Prior to the issuance of any temporary or final Certificate of Occupancy for any "use" for which all or a portion of the "parking spaces" are being provided by an

automated parking system, the applicant for the "site plan" shall provide to the Corporation Counsel and the Department of Building:

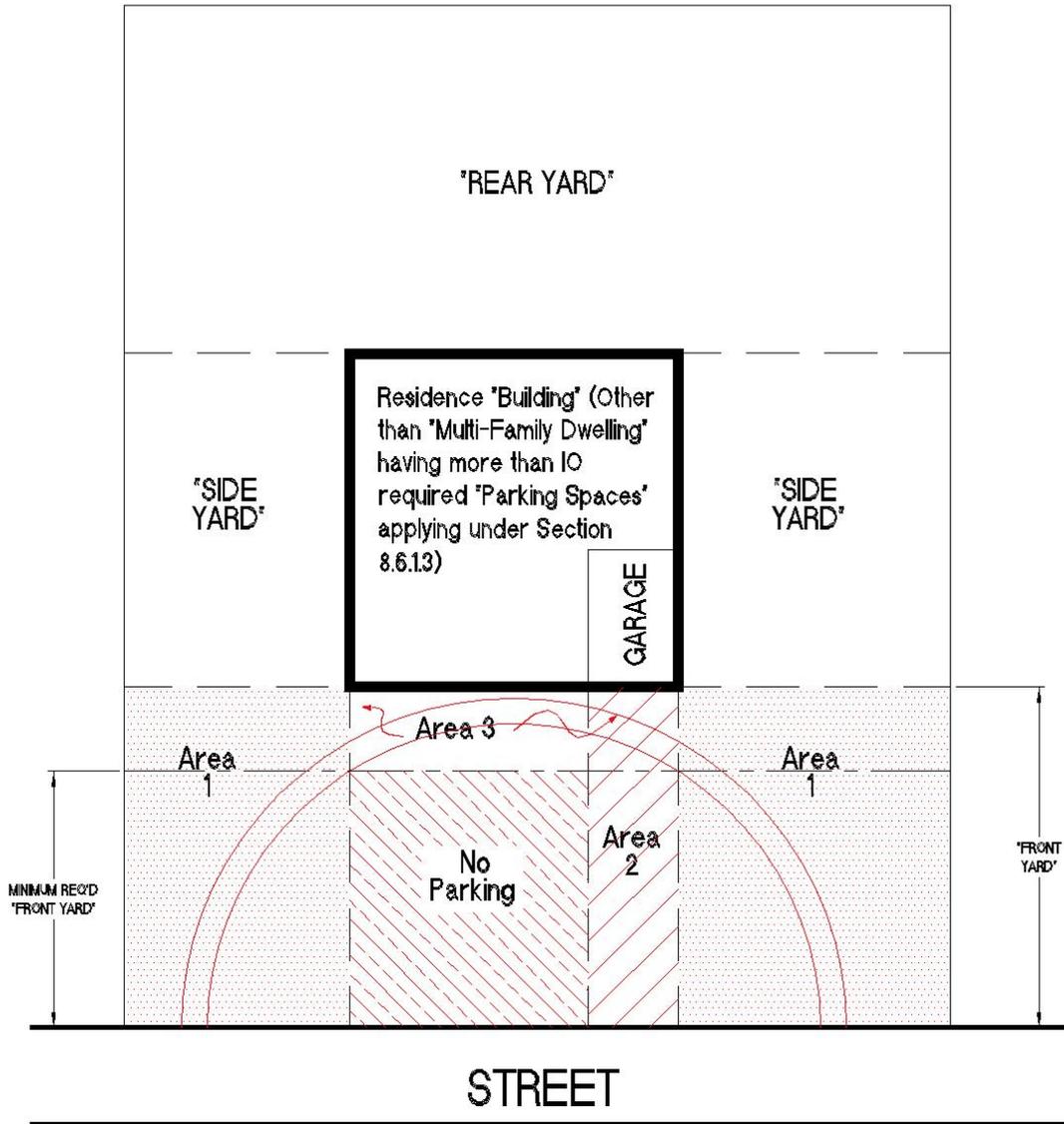
- 8.5.4.3.1 an executed contract between the owner and operator of the automated parking system for maintenance of the automated parking system and an insurance certificate for the automated parking system.
- 8.5.4.3.2 a legal instrument satisfactory to the Corporation Counsel assuring the continued existence and operation of the automated parking systems in connection with the "uses" and "structures" that they serve. Such instrument shall provide that is the responsibility of the owner of the property to ensure that off-"street" "parking spaces" for the "uses" on the property are maintained.

## 8.6 Location

- 8.6.1 Required off-"street" "parking spaces" shall be provided in accordance with the following requirements:
  - 8.6.1.1 Required off-"street" "parking spaces" shall be provided on the same "lot" or "development site" with the "structure" or "use" they serve, except as provided in Section 8.5 above, and may be located within a "building" or in a "side" or "rear yard."
  - 8.6.1.2 In non-residential districts, required off-"street" "parking spaces" may also be located in a "front yard" but not less than 5 feet from the "front lot line," subject to review and approval in accordance with Section 6 or 7, as appropriate.
  - 8.6.1.3 [Reserved]
  - 8.6.1.4 In residential districts, "parking spaces" for a maximum of 2 private passenger vehicles, currently licensed and in active use, may also be located within a paved driveway constructed in accordance with a valid building permit, which is located within: that portion of the "front yard" immediately contiguous to and an extension of either "side yard"; or within that portion of "front yard" immediately contiguous to and an extension of a garage which is integral with the residence "structure" and has its entrance door within the front wall thereof. (See also areas 1 and 2, Illustration X.)
  - 8.6.1.5 In residential districts, "parking spaces" for a maximum of 2 private passenger vehicles, currently licensed and in active use, may also be located within a paved driveway, constructed in accordance with a valid building permit, which is located within: that portion of the "front yard" between "building" and the minimum required "front yard" in cases of circular driveways with 2 curb cuts; or review and approval in accordance with Section 7. (See also area 3, Illustration X.)

ILLUSTRATION X

LOCATION OF PARKING



- 8.6.1.6 In the R1-7.5, R1-5, R2-4, R2-2.5, RM-2.5, RM-1.5, RM-1, RM-0.7, RM-0.4 and RM-0.35 residential districts, on "lots improved by "one" or "two family dwellings," the Commissioner of Building may issue a building permit for a driveway or parking area for a maximum of 2 private passenger vehicles, currently licensed and in active use, to be located in a "front yard" if all of the following conditions and requirements are met.
- 8.6.1.6.1 There are no "parking spaces" currently on the site, and there is insufficient area to locate a "parking space" which meets the dimensional standards in Section 8.7.
- 8.6.1.6.2 The existing "side yard" setbacks are each less than 10 feet and/or the topography is such that there is no vehicular access to the "side yards" or "rear yard."
- 8.6.1.6.3 There is insufficient area beyond the required "front yard" setbacks to locate a "parking space" which meets the dimensional standards in Section 8.7.
- 8.6.1.6.4 The "front yard" is not part of a special "building" setback. (See Section 4.4.12.)
- 8.6.1.6.5 An application, consisting of a "site plan" prepared pursuant to Section 7.3 of this Ordinance, shall be submitted to the Commissioner of Building.
- 8.6.1.6.6 The application will be referred to the Commissioner of Public Works and the deputy commissioner of parking responsible for transportation engineering pursuant to Section 8.7.8.
- 8.6.1.6.7 Each "parking space" shall measure at least 20 feet in length and 9 feet in width. "Front yard" parking shall cover no more than 50% of the "front yard." In no case shall it be in excess of 450 square feet or greater than 18 feet in width or 25 feet in length, except that the Commissioner of Building may approve other dimensions pursuant to Section 8.7.8 upon recommendation of the deputy commissioner of parking responsible for transportation engineering.
- 8.6.1.6.8 "Parking spaces" shall be landscaped with low-growing ground cover, shrubs or bushes, which shall not exceed 30 inches in height, to minimize the visual impact of the "parking space" and to continue the residential appearance of the "street."
- 8.6.1.6.8.1: The selection, amount and location of all landscaping materials shall be subject to approval by the Commissioner of Building, based upon considerations of the adequacy of the proposed landscaping to serve its intended purpose with

minimal maintenance problems, including plant care, snow plowing and leaf removal.

8.6.1.6.8.2: All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.

8.6.1.6.8.3: The placement of landscaping shall create no obstruction to driver vision at critical traffic intersection areas.

8.6.1.6.9 The "parking spaces" shall be for the exclusive use of the residents of the "main building."

8.6.1.6.10 In cases where an application requires one or more variances, the applicant shall be so advised by the Department of Building, which shall also advise the applicant of the procedures and requirements to be followed in seeking any necessary variance(s) from the Board of Appeals. No further action shall be taken with respect to an application unless and until all required variances have been approved by the Board of Appeals.

8.6.2 Off-"street" "loading spaces" may be located within any "building," within a "side or rear yard," or within a required off-"street" "parking lot" provided such spaces do not block access to such "parking lot" or any "parking space."

8.6.3 In the case of "corner lots," off-"street" "parking spaces" shall be set back from the side "street" line a distance equal to the "front yard" requirements on such side "street," unless "corner lots" are back to back, in which case such off-"street" "parking spaces" shall be set back at least 10 feet.

## 8.7 Design

8.7.1 Layout: All "parking lots" shall be designed in accordance with the following requirements:

8.7.1.1 Unobstructed access to and from a "street," so designed as to not require the backing of any vehicle across a sidewalk or into a "street," shall be provided for all "parking and loading spaces," except as permitted in Section 8.7.1.2. Such access shall normally consist of at least 1 lane a minimum of 12 feet in width for "parking lots" with less than 15 "parking spaces" and at least 2 lanes a minimum of 11 feet each in width for "parking lots" with 15 "parking spaces" or more, except that the deputy commissioner of parking responsible for transportation engineering may, in his review pursuant to Section 8.7.8, recommend dimensions different from the above, based on the specific nature of the facility or accepted engineering practice.

- 8.7.1.2 For "one and two family dwellings," one of the minimum required "parking spaces" for each "dwelling unit" may have its access obstructed by the other "parking spaces" provided for that same "dwelling unit." In addition, access for such "dwellings" may be designed for the backing of a vehicle across a sidewalk or into a "street," except for those "streets" designated as Major Streets on the Land Use Plan Map of the "Comprehensive Plan."
- 8.7.1.3 In order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation, the agency approving a "site plan" may require the interconnection of "parking lots" via access drives within and between adjacent "lots." The agency may require written assurance such as deed restrictions, satisfactory to the Corporation Counsel, binding the owner and his heirs and assigns to permit and maintain such interconnection of "parking lots."
- 8.7.1.4 Each off-"street" "loading space" shall measure at least 15 feet in width, at least 40 feet in length, and at least 14 feet in height, exclusive of access and turning areas, except that adjacent "loading spaces" may be each 12 feet in width.
- 8.7.1.5 "Parking spaces" shall be provided according to the following distribution for 90 degree parking stalls. For parking at other than 90 degrees, the functionally equivalent sized "parking spaces" shall be provided. Functionally equivalent sized "parking spaces" shall be as determined by one or more nationally recognized authorities in the field of traffic engineering and parking, as applied by the deputy commissioner of parking responsible for transportation engineering.
- 8.7.1.5.1 Not less than 25% of the required "parking spaces" shall be provided at the dimensions of at least 8.5 feet by 20 feet with an aisle at least 22 feet in width, and shall be signed as full-sized spaces. Handicapped spaces as required by the Building Code and regulations implementing the Americans with Disabilities Act shall be counted toward this requirement.
- 8.7.1.5.2 The remainder of the required "parking spaces" shall be provided at the dimensions of at least 8.0 feet by 18 feet with an aisle at least 22 feet in width, and shall be signed as standard sized spaces, except as provided in Section 8.7.4 below.
- 8.7.1.5.3 Notwithstanding the provisions of Section 8.7.1.5.1 and 8.7.1.5.2 above, the deputy commissioner of parking responsible for transportation engineering may, in his review pursuant to Section 8.7.8, recommend dimensions different from the above, based on consideration of expected estimated turnover, nature of occupancy, volume and pattern of traffic circulation, vehicle sizes and distributions, angle of parking, nature of the facility and accepted engineering practice. In the event of such recommendation, the

approving agency shall grant no approval for required "parking spaces" smaller than the smaller of the recommendation of the deputy commissioner of parking responsible for transportation engineering or the provisions of Sections 8.7.1.5.1 and 8.7.1.5.2.

- 8.7.1.6 Except where accessory to "one and two family dwellings," "parking spaces" shall be marked with double striped painted lines unless the deputy commissioner of parking responsible for transportation engineering, in his review pursuant to Section 8.7.8, recommends a standard different from the above based on the particular circumstances of the parking facility.
- 8.7.2 Improvement: Required off-"street" "parking lots" shall be graded, surfaced, drained and suitably maintained as required by the White Plains Building Code. The agency approving a special permit for customary indoor and outdoor athletic facilities, such as playfields or stadia as accessory to a private school, "university," "college" or seminary, may require or permit all or a portion of the "parking lot" for such facility to be surfaced with grass, gravel or equivalent material.
- 8.7.3 Partial Waiver of Improvement: Where the agency approving a "site plan" determines, in connection with its review of such "site plan," that less than the required number of "parking or loading spaces" will satisfy the intent of this Ordinance because of variations in the probable time of maximum use by joint users, use of attendant parking or for any other reason, such agency may waive a portion of the improvement, but for not more than 1/3 of the total number of "parking spaces" normally required by this Ordinance. In all cases, it shall be expressly demonstrated on the "site plan" that sufficient space remains for the provision of the total amount of off-"street" parking required and the "site plan" shall bear such designation. Such unimproved portion of the "parking lot" shall, where practical, be used and maintained as additional landscaped grounds until required for parking. Written guarantees, satisfactory to the Corporation Counsel, shall be submitted by the applicant insuring the improvement of such spaces within 6 months of the date of written notice to the property owner by the agency, stating that all or a portion of such spaces have now been determined to be necessary and should be so improved.
- 8.7.4 Compact and Van-Pool Spaces: Where at least 50 "parking spaces" are provided for the sole use of residents and employees or on a non-transient basis (motor vehicle parked at least 3 hours in the same space), the agency approving a "site plan" may permit a portion of these "parking spaces" to be designed and reserved for compact cars, or an area to be designed and reserved for cars and vans used for carpooling. Such spaces shall be provided in accordance with the following requirements:
- 8.7.4.1 Compact car "parking spaces" shall measure at least 7.5 feet in width and 15 feet in length, with an aisle at least 20 feet in width, and "parking spaces" for van-pooling shall measure at least 9.5 feet in width and 20 feet in length, with an aisle at least 25 feet in width, except that the deputy commissioner of parking responsible for transportation engineering may, in his review pursuant to Section 8.7.8, recommend a standard different from the above, based on the considerations enumerated in Section 8.7.1.5.

- 8.7.4.2 "Parking spaces" for compact cars and car pool vehicles shall be conveniently located for both vehicular and pedestrian access and grouped in a limited number of locations, in order to attract users. Such "parking spaces" shall not be scattered about the premises.
- 8.7.4.3 Clear and distinctive signing, meeting the requirements of Section 8.7.6, shall be provided to identify compact car and car pooling areas. All compact car "parking spaces" shall be paint striped along the aisle to indicate the width of such spaces, to easily identify them to the passing driver and to serve as a guide to the maximum size of vehicle allowed to use them.
- 8.7.4.4 "Parking lots" for compact cars shall be located so that they tend to fill before the remainder of the "parking lot" does.
- 8.7.5 Landscaping: Except for "parking lots" accessory to a "one or two family dwelling," all off-"street" "parking lots" and "loading spaces" shall be curbed, screened and landscaped with appropriate trees, shrubs, ground cover and other plant materials to assure the establishment of a safe, convenient and attractive facility. Such landscaping shall be planted and maintained in accordance with the following requirements:
- 8.7.5.1 In all off-"street" "parking lots" which contain 25 or more "parking spaces" and which are not located in "parking garages," at least 6% of the total "parking lot" shall be so landscaped, and at least 1 tree of not less than 3 inches caliper, shall be provided within such "parking lot" for each 12 "parking spaces."
- 8.7.5.2 Raised planting islands at least 8 feet in width shall be provided as necessary to guide vehicle movement, to separate opposing rows of "parking spaces" and to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. Such raised planting islands and the landscaping within them shall be designed and arranged so as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow, to prevent indiscriminate diagonal movement of vehicles and to provide cooling shade and visual relief from the visual monotony and summer heat of a large paved "parking lot." Curbs of such islands shall be designed so as to facilitate surface drainage and to prevent vehicles from overhanging sidewalks and damaging landscaping materials.
- 8.7.5.3 Suitable landscaping shall be provided, as required by the agency approving the "site plan," along the periphery of "parking lots," "parking garages" and "loading spaces" where they abut "streets," public spaces and residential districts. Such screening shall be in accordance with the requirements of Section 4.4.19.
- 8.7.5.4 The selection, amount and location of all landscaping materials shall be subject to approval by the agency approving the "site plan," based upon consideration of the adequacy of the proposed landscaping to serve its intended purpose with minimal maintenance problems, including plant care, snow plowing and leaf

removal.

- 8.7.5.5 All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next, immediately following, growing season.
- 8.7.5.6 The placement of landscaping shall create no obstruction to driver vision at critical traffic intersection areas.
- 8.7.6 Signage: Appropriate signs shall be provided in "parking lots" and "parking garages" to direct internal traffic flow. Such signs shall generally not exceed 1 square foot in area except that the deputy commissioner of parking responsible for transportation engineering may, in his review pursuant to Section 8.7.8, recommend a standard different from the above, where he determines such to be appropriate, based on the particular circumstances involved and based on accepted engineering practice.
- 8.7.7 Illumination: Illumination of "parking lots" and "parking garages" shall be provided in accordance with the requirements of the White Plains Building Code for the safety and convenience of those using such facilities. Such illumination shall be of such type and location and have such shading as will prevent the source of the light from being seen from any adjoining "streets" and residential properties and which shall prevent objectionable glare observable from such "streets" or properties.
- 8.7.8 Review by the Deputy Commissioner of Parking Responsible for Transportation Engineering: The agency responsible for "site plan" approval shall refer such "site plan" to the deputy commissioner of parking responsible for transportation engineering for review and report prior to taking action. The deputy commissioner of parking responsible for transportation engineering, after considering, in addition to any other appropriate matters, the standards of Section 8.7 and their applicability to the particular circumstances, may recommend amendments to the "site plan" as provided in Section 8.7 and shall recommend any other amendments to the "site plan" necessary to achieve safe and proper internal traffic circulation, convenient ingress and egress, safe pedestrian movement to and through the parking area, and appropriate design for the handicapped.

## **8.8 Operation and Maintenance**

Required off-"street" parking facilities shall be maintained so long as the "use" or "structure" exists which the facilities are designed to serve. Required "parking spaces" developed for specific "structures" and "uses" shall be reserved at all times to "persons" who are employed at or make use of such "structures" and "uses," except where such "parking spaces" are dedicated to and accepted by the City as public "parking lots," or where arrangements for joint "use" are made pursuant to Section 8.2.2 above.

## **SECTION 9 - DESIGN REVIEW BOARD**

### **9.1 Purposes**

The Common Council hereby finds that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of "buildings" or other "structures" erected or "altered" can adversely affect the desirability of the immediate and neighboring areas and, by so doing, impair the benefits of occupancy of existing property in such areas, impair the stability in value of both improved and unimproved real property in such areas, prevent the most appropriate development and "use" of such areas, produce degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety, comfort and general welfare of the inhabitants thereof, and contribute to the diminution of the taxable value of real property in such areas and their ability to support municipal services provided therefor. It is the purpose of this Section to prevent these and other potentially harmful effects resulting from such unattractive exterior appearance of "buildings" and other "structures" erected or "altered," and thus to promote the public health, safety and welfare, to conserve the value of "buildings," and other "structures" erected or "altered," and thus to promote the public health, safety and welfare, to conserve the value of "buildings," to encourage the most appropriate "use" of land and to improve the physical and visual appearance of the City.

### **9.2 Creation and Organization**

There is hereby created a Design Review Board which shall consist of 5 members, who shall serve without compensation. Such members shall be specially qualified by reason of training or experience in art, architecture, landscape architecture, community planning, land development, real estate or other relevant business or profession, to judge the effects of a proposed "building" or "structure" or "alteration" thereof upon the desirability, property values and development of surrounding areas. At least 1 member of such Board shall be a registered architect. The members of such Board shall be appointed, and the Chairman thereof shall be designated by the Mayor. Of the members first appointed, 1 shall hold office for the term of 1 year, 2 for the term of 2 years, and 2 for the terms of 3 years from and after their respective appointments. Their successors shall be appointed for a term of 3 years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Mayor for the unexpired term. The Common Council shall have the power to remove any member of the Design Review Board for cause and after public hearing. The Mayor shall designate a Secretary of the Board, who need not be a member of the Board and who shall serve at the pleasure of the Mayor.

### **9.3 Meetings, Rules and Records**

All meetings of the Design Review Board shall be held at the call of the Chairman and at such other times as such Board may determine, but a meeting shall be held within 30 days of the date of any application or referral to it. Such Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if any member is absent or fails to vote, indicating such fact, and shall also keep records of its examination and other official actions. The Board shall have the power from time to time to adopt, amend and repeal rules and regulations not inconsistent with law or this Ordinance, governing its procedures and the transaction of its

business. Every rule and regulation, every amendment or appeal thereof and every order, requirement, decision or determination of the Board shall be filed in the office of the Board.

#### **9.4 Quorum and Vote**

Three members of the Board shall constitute a quorum for the transaction of business as provided by Section 41 of the General Construction Law. The Board may disapprove construction pursuant to Section 9.5.3 of this Ordinance only by unanimous vote of those acting upon the matter, but in no case by less than 4 members.

#### **9.5 Powers and Duties**

9.5.1 Municipal Buildings and Works of Art: The Common Council shall refer to the Design Review Board for review and advisory report plans for construction or installation of all municipal "structures" and "uses," and exterior changes thereto, and all works of art or other objects to be used in a decorative manner or for the purposes of beautification, to be erected upon or over property owned, leased or otherwise occupied by the City. The Design Review Board shall advise the Common Council with respect to any changes thereto which will improve the appearance and design of the exterior of such "structures" and "uses" and the appearance or design of such works of art to the end that the beauty and appearance of the City in general will be improved. The Board shall also consider the proposed location of such works of art and shall make recommendations with respect to the proposed location or recommend such other locations as the Board may deem suitable and appropriate.

9.5.2 Advisory Reports: The Design Review Board shall issue advisory reports recommending approval, conditional approval subject to specific modifications, or disapproval of any matter which may be referred to it by any approving agency under this Ordinance.

9.5.3 Final Decisions: Unless reviewed pursuant to Section 9.5.1 or 9.5.2 above, no building permit shall be issued for installation of a solar energy system as provided in Section 4.4.21 of this Ordinance, or for installation of a security grille as provided in Section 4.4.17 of this Ordinance, without approval, or approval subject to specific modifications by the Design Review Board. Notwithstanding the above and as set forth as an exception in Section 4.4.21 of this Ordinance, installation of solar energy systems for one or two family structures which do not require a variance, have a rated capacity of 12 kW or less, where the system is to be mounted parallel to the roof surface, or tilted with no more than an eighteen (18) inch gap between the module frame and the roof surface, shall not require approval by the Design Review Board.

#### **9.6 Standards**

In examining plans or proposals, the Design Review Board shall recommend disapproval of, or disapprove, any installation or construction which would cause or contribute to one or more of the harmful effects set forth in Section 9.1 of this Ordinance by reason of:

9.6.1 Excessive dissimilarity or inappropriateness in relation to any other "structure" existing or for which a permit has been issued, or to any other "structure" included in the same permit

application, facing upon the same or intersecting "street" and within 500 feet of the proposed new "structure," in respect to one or more of the following features: cubical content; "gross floor area"; "building area" or "height" of roof; or other significant design features, such as materials or style of architectural design.

- 9.6.2 Excessive similarity to any other "structure" existing or for which a permit has been issued, or to any other "structure" included in the same permit application, facing upon the same or intersecting "street" and within 500 feet of the proposed new "structure," in respect to one or more of the following features of exterior design and appearance: apparently identical front, side or other elevations visible from a "street"; substantially identical size and arrangement of either doors, windows, porticoes or other openings or breaks in the elevation facing the "street," including reverse arrangement; or other significant identical features of design, such as but not limited to material, roof line, "height" or other design elements.
- 9.6.3 The quality of "building" and overall site design in respect to one or more of the following features: the relationship to and character of the adjacent neighborhood; consideration of architectural style, bulk, dimensions, materials, and location on the site and in relation to development on adjoining properties, the natural terrain and vegetation.

## **9.7 Limitations**

- 9.7.1 The Board shall restrict its considerations to a reasonable and professional review of the proposal and plans, leaving full responsibility for the design and development to the applicant. The Board shall not design or assist in the design of any "buildings" or "structures" submitted for approval.
- 9.7.2 The Board shall not unduly restrict new or innovative "building" types, materials or methods. Individual initiative and experimentation are to be encouraged.
- 9.7.3 In its endeavor to improve the quality of design, the Board shall consider cost as one factor along with design in its efforts to achieve the objectives of this Ordinance.

## **9.8 Procedure**

The Design Review Board shall have 30 days in which to act upon a matter before it. Such time limit shall be measured from the date of the meeting at which the Board receives an application under Section 9.5.3, or from the date of referral by another approving agency for any other matter. Such time limit may be extended by mutual agreement with the applicant. Failure to act on the part of the Board within the time limit specified, or as may be extended, shall be deemed to constitute approval or recommendation for approval, as the case may be.

## **9.9 Application**

For any matter referred to it for review and recommendation pursuant to Sections 9.5.1 and 9.5.2, the Design Review Board shall act upon the application in the form as referred to it by the approving agency. For matters pursuant to Section 9.5.3, the applicant shall submit preliminary architectural plans showing at least the location and dimensions of proposed "structures," as well

as exterior elevations and materials to be used.

#### **9.10 Appeals**

Any "person" aggrieved by an action of the Design Review Board in approving or disapproving an application before it under Section 9.5.3 may take an appeal therefrom to the Board of Appeals as provided in Section 10.3.7 of this Ordinance.

## **SECTION 10 - BOARD OF APPEALS**

### **10.1 Organization and Appointment and Duties of Chairperson**

- 10.1.1 Establishment: The Board of Appeals, as heretofore established by the Common Council pursuant to Section 81 of the General City Law of the State of New York, is hereby maintained. The Board of Appeals shall be comprised of 5 members appointed by the Mayor. Pursuant to Section 27(11) of the General City Law, 3 alternate Board of Appeals member positions are hereby established for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members of the Board of Appeals shall be appointed by the Mayor for a term of 5 years.
- 10.1.2 Appointment of Chairperson: The present Chairperson shall continue to the end of the period for which he or she was appointed and his or her successors shall be appointed by the Mayor. In the absence of the Chairperson, the Board may designate a member to serve as Acting Chairperson.
- 10.1.3 Duties of Chairperson: All meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as such Board may determine. Such Chairperson, or in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. The Chairperson of the Board of Appeals may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board of Appeals. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board of Appeals. Such designation shall be entered in to the minutes of the initial Board of Appeals meeting at which the substitution is made.

### **10.2 Meetings and Records**

- 10.2.1 Meetings: The presence of 3 members of the Board shall be necessary for a quorum. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a "use variance" or "area variance." Meetings of the Board shall be open to the public to the extent provided in Article VII of the Public Officers Law of the State of New York.
- 10.2.2 The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall be filed in the office of the City Clerk and the office of the Board within five business days of said action or decision, and a copy thereof mailed to the applicant. All records and files shall be a public record.

## 10.3 Powers and Duties

- 10.3.1 General: The Board of Appeals shall have all of the powers and duties prescribed by General City Law and by this Ordinance, which powers and duties are summarized and more particularly specified in the following, provided that none of the following sections shall be deemed to limit any of the powers of the Board of Appeals that are conferred by the General City Law. All provisions of Section 27 of the General City Law relating to Board of Appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, compatibility of office and service on other boards, shall also apply to alternate members. Appeals may be taken by any "person" aggrieved, on and by an officer, department, board, or bureau of the City. In passing upon any matter before it, the Board shall take into specific consideration the goals of this Ordinance and the recommendations of the "Comprehensive Plan."
- 10.3.2 Rules and Regulations: The Board of Appeals may adopt such rules and regulations as are necessary for or proper to the performance of its powers and duties hereunder, and may amend or repeal the same.
- 10.3.3 Special Permits: The Board of Appeals is authorized to hear and decide applications for certain special permits in accordance with the procedures and standards set forth in Section 6 of this Ordinance.
- 10.3.4 "Non-Conforming Uses": As more fully set out in Section 4.3 of this Ordinance, the Board of Appeals is authorized to: extend the permitted period for cessation of a "non-conforming use" in accordance with the requirements of Section 4.3.2.5 of this Ordinance; review and approve, approve with modifications or disapprove a plan for reconstruction of a non-conforming "building" in accordance with the requirements of Section 4.3.4.2 of this Ordinance; permit the change of a "non-conforming use" to another "non-conforming use" in accordance with Section 4.3.6 of this Ordinance; and review and approve, approve with modifications or disapprove a plan for the improvement of a "non-conforming use" in accordance with Section 4.3.6 of this Ordinance.
- 10.3.5 Variances: On appeal from an order, requirement decision or determination made by an administrative official charged with the enforcement of this Ordinance, or on referral of an applicant to the Board by an approving agency acting pursuant to Sections 6 or 7 of this Ordinance, the Board of Appeals is authorized to vary or modify the strict letter of this Ordinance, where its literal interpretation would cause difficulties or unnecessary hardships, in such manner as to observe the spirit of the Ordinance, secure public safety and welfare, and do substantial justice.
- 10.3.5.1 "Use Variances": Where because of unnecessary hardship an applicant desires to utilize land for a "use" or purpose not allowed in the district in which the land is located or is prohibited by the applicable regulations of this Ordinance, the Board may grant a variance in the application of the provisions of this Ordinance in the specific case, provided that in the granting of "use variances," the Board shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the

applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community. No such "use variance" shall be granted by the Board without a showing by the applicant that the regulations and restrictions in this Ordinance have caused unnecessary hardship. In order to prove unnecessary hardship, the applicant shall demonstrate to the Board that for each and every permitted "uses" in the district in which the land is located:

10.3.5.1.1 The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.

10.3.5.1.2 The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

10.3.5.1.3 The requested "use variance," if granted, will not alter the essential character of the neighborhood; and

10.3.5.1.4 The alleged hardship has not been self-created.

10.3.5.2 Area Variances: Where an applicant requests to use the land in a manner which is not allowed by the dimensional or physical requirements of this Ordinance, the Board may grant a variance in the application of the provisions of this Ordinance in the specific case, provided that in the granting of an "area variance" the Board shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community. In making its determination, the Board shall take into consideration the benefit to the applicant if the "area variance" is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:

10.3.5.2.1 Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the "area variance."

10.3.5.2.2 Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an "area variance."

10.3.5.2.3 Whether the requested "area variance" is substantial.

10.3.5.2.4 Whether the proposed "area variance" will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

10.3.5.2.5 Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the "area variance."

- 10.3.6 Orders, Requirements, Decisions, Interpretations and Determinations: On appeal from an order, requirement, decision, or determination made by an administrative official charged with the enforcement of this Ordinance, or on request from any official, officer, department, board or bureau of the City, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law, and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.
- 10.3.7 Decisions of the Design Review Board: The Board of Appeals is authorized to hear and decide appeals from decisions of the Design Review Board. The Board may grant a variance in the application of the decision of the Design Review Board provided that it finds, in accordance with the standards of Section 10.3.5.2, that there are difficulties associated therewith.
- 10.3.8 Parking for Existing "Structures" and "Uses": In accordance with Section 8.4.2 of this Ordinance, the Board of Appeals is authorized to waive part of the minimum parking requirement for existing "structures" and "uses" under certain conditions.
- 10.3.9 Shading for Solar Energy Systems: In accordance with Section 4.4.21.4 of this Ordinance, the Board of Appeals is authorized to allow new construction to block access to sunlight for solar energy systems under certain conditions.
- 10.3.10 Imposition of Conditions: The Board of Appeals shall, in the granting of both "use variances" and "area variances," have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed "use" of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community. Such conditions or restrictions shall be incorporated in the building permit and certificate of "use" and occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance, and may constitute the basis for denial or revocation of a building permit or certificate of "use" and occupancy and for all other applicable remedies.

## **10.4 Procedure**

### 10.4.1 Appeal or Application:

- 10.4.1.1 An appeal shall be taken within 60 days of the order or decision appealed from, by filing with the official from whom the appeal is taken and with the Board of Appeals of a notice of appeal specifying the ground thereof. The official from

whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed from is taken. A referral to the Board for a variance, or a request for an interpretation, may be made at any time. All such appeals and applications to the Board shall be made by the owner or agent duly authorized, in writing, and shall be on forms prescribed by the Board. Each appeal or application shall fully set forth the circumstances of the case, shall refer to the specific provision of the Ordinance involved, and shall exactly set forth, as the case may be, the interpretation that is claimed, the details of the adjustment that is applied for, and the grounds for which it is claimed that the same should be granted.

- 10.4.1.2 Stay Upon Appeal: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such Ordinance or local law, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the administrative official from whom the appeal is taken and on due cause shown.
- 10.4.2 Review by Other Agencies: Upon receipt of a completed appeal or application, the Board of Appeals shall forward copies for review and report to such officials and agencies of the City as it deems appropriate. All such agencies shall have 30 days from the date of forwarding to submit a report. If approval of a "site plan" or issuance of a special permit is involved, the Board of Appeals shall not decide on the matter until it has received the report of the approving agency in accordance with Sections 6.4.5 or 7.4.4 of this Ordinance. In addition, copies shall be forwarded with a notice of public hearing to the Westchester County Planning Board when such proposed development abuts a State or County highway, park, drainage channel or "building" site, and to the clerk of any abutting municipality where the property proposed for such development is located within 500 feet of such municipality, in accordance with Sections 277.61 and 277.71 of the Westchester County Administrative Code.
- 10.4.3 Public Hearing: The Board of Appeals shall conduct a public hearing on any appeal, application or request made pursuant to this Ordinance. Such public hearing shall be held within 45 days of the date an appeal is taken or an application or request is made to the Board.
- 10.4.4 Notice of Hearing Before the Board: Notice of the public hearing shall be published on at least 3 days in the official newspaper, the first insertion to be not less than 5 nor more than 30 days prior to the date of such hearing. Notice and a brief description of the appeal or application shall also be sent 10 days prior to the date of such hearing to all property owners (as shown by the Tax Assessment Roll) within the "area affected." A copy of the notice, with proof of notice in the official newspaper, shall be filed in the office of the Board on or before the date of the public hearing.

10.4.5 Action: Every decision of the Board of Appeals shall be by resolution; shall be recorded; and shall fully set forth the facts of the case, the findings and the conclusions on which the decision was based. The Board shall decide on matters before it within 62 days after the close of the public hearing, unless such time limit is extended by mutual agreement with the applicant; shall immediately file its resolution in the office of the City Clerk and the office of the Board within 5 business days and shall within 5 days thereafter mail a copy of such resolution to the applicant. In the event that the area involved in any application for a variance includes and/or would affect any "environmentally sensitive site or feature," the application shall be subject to the regulations contained in Section 4.4.25 of this Ordinance.

10.4.6 Rehearing: A motion for the Board to hold a rehearing to review any order, decision or determination of the Board not previously reviewed may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in "persons" acting in good faith in reliance upon the reviewed order, decision or determination will not be prejudiced thereby.

## **10.5 Expiration of a Variance**

A variance granted under this Ordinance shall automatically expire if substantial construction in accordance with the plans for which such variance was granted has not been completed within 1 year, or such other time limit as may be chosen by the Board of Appeals in connection with its decision, from the date of granting such variance by the Board; or, if judicial proceedings to review the Board's decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals.

## SECTION 11 - ENFORCEMENT AND ADMINISTRATION

### 11.1 Enforcement

11.1.1 General: No board, agency, officer or employee of the City shall issue, grant or approve any permit, license, certificate or other authorization for any construction or "alteration" of any "building" or "structure" or for any "use" of land, "building" or "structure" that would not be in full compliance with the provisions of this Ordinance, except as permitted under Sections 5.6, 5.7 and 10 of this Ordinance. Any permit, license, certificate or other authorization issued, granted or approved in violation of the provisions of this Ordinance shall be null and void and of no effect without the necessity of any proceedings or revocation or nullification thereof.

11.1.2 Enforcing Authority: The provisions of this Ordinance or any rules or regulations authorized hereunder shall be enforced by the Commissioner of Building, or a designated member of his Department.

### 11.2 Building Permits

Except under written authorization of the Board of Appeals as provided in Section 10, or the Common Council as provided in Section 5.6 of this Ordinance, no building permit shall be issued for any land, "building" or "structure" where said action would be in violation of any of the provisions of this Ordinance.

### 11.3 Certificates of "Use" and Occupancy

Except under a written authorization of the Board of Appeals as provided in Section 10, or the Common Council as provided in Section 5.6 of this Ordinance, no certificate of "use" and occupancy may be issued, pursuant to the provisions of the Building Code, unless such occupancy or "use" is in full conformity with the provisions of this Ordinance. A certificate of "use" and occupancy may continue in effect as long as such occupancy or "use" is in full conformance with the provisions of this Ordinance and any requirements made in connection therewith at the time of the issuance thereof. The details of any detailed statement or plan approved by the Common Council, Planning Board, Commissioner of Building, Board of Appeals or Design Review Board, acting under the terms of this Ordinance, and any conditions attached to such approval, shall be deemed to be such requirements.

### 11.4 Violations and Penalties

11.4.1 Penalties: Any "person" who shall violate any provision of this Ordinance or any other regulation made under authority conferred thereby, or who shall build or "alter" any "structure" in violation of any statement or plan submitted and approved thereunder, or who shall knowingly assist therein, shall be liable to a fine or imprisonment or both; such fine and imprisonment to be in accordance with the following schedule:

11.4.1.1 For the first conviction, a fine not to exceed \$500.

11.4.1.2 For the second conviction of a violation of this Ordinance, where said violation occurs within 5 years of the date of the first conviction, a fine not less than \$250 nor in excess of \$500, or imprisonment not exceeding 15 days, or both.

11.4.1.3 For any subsequent conviction of a violation of this Ordinance, where said violation occurs within 5 years of the date of the first conviction, a fine not less than \$500 nor in excess of \$1,000 or imprisonment not exceeding 15 days, or both.

Each day's continued violation shall constitute a separate and additional violation. In addition to the foregoing provisions, the City shall have such other remedies for any violation or threatened violation of this Ordinance as is now or may hereafter be provided by law. The application of any above penalty shall not be held to prevent any action under Section 11.4.2 below.

11.4.2 Prevention: In case any land is "used" or "structure" is erected, constructed, "altered" or maintained in violation of this Ordinance, any regulation made pursuant thereto or any detailed statement or plan submitted and approved thereunder, in addition to other lawful remedies, any appropriate action or proceedings may be instituted to prevent such unlawful "use," erection, construction, "alteration" or maintenance, to restrain, correct or abate such violation, to prevent the occupancy of such "structure" or land or to prevent any illegal act, conduct, business or "use" in or about such premises. Whenever the Commissioner of Building has reasonable grounds to believe that work on any "structure" is being prosecuted in violation of the provisions of this Ordinance, or not in conformity with any regulation made pursuant thereto or not in compliance with any detailed statement or plan submitted and approved thereunder, or in an unsafe and dangerous manner, he may issue a stop work order pursuant to the provisions of the Building Code.

11.4.3 Reimbursement of Costs: If the Commissioner of Building or his duly authorized representative, acting under the authority granted in Section 11.1.2 of this Ordinance, verifies the existence of a violation of this Ordinance and has such violation corrected during regular hours of the Department of Building, the owner of the property on which said violation is verified will be responsible to reimburse the City of White Plains the full cost of salary plus benefits which the Commissioner or his representative is entitled to be paid for the time expended verifying said violation or correction of said violation, less one hour. If, in order to verify the existence of such violation and such violation is verified, or to have such verified violation corrected, the Commissioner of Building or his duly authorized representative is required to work after regular work hours of the Department of Building, on weekends, or on legal holidays of the City of White Plains, the owner of said property will be responsible to reimburse the City of White Plains the full cost of salary plus benefits which the Commissioner or his representative is entitled to be paid. If the owner fails to reimburse the City for the costs of such salary plus benefits, then said costs shall be a lien and shall be assessed against the land upon which the "building" or "structure" is located.

## 11.5 Fees

For the purpose of defraying professional and administrative costs involved in the review of applications and appeals and the legal notices required by law, the following actions shall be

accompanied by a fee payable to the City of White Plains in the amount prescribed below, except where the applicant is an agency of the City:

11.5.1 Each application or petition requesting any amendment, supplement, change, modification or repeal of any provisions of this Ordinance, including the Zoning Map: \$100, but not less than \$50 per acre for any application requesting a map change.

11.5.2 For each initial application for a special permit:

11.5.2.1 for residential special “uses” outside the Central Parking Area:

One Family	\$120.00
Two Family	\$140.00
1 unit (multifamily) to 30 units	\$100.00/unit
from 31 to 100 units	\$200.00/unit
from 101 to 200 units	\$100.00/unit
over 200 units	For first 200 units same as above plus \$75.00 for each unit over 200.

11.5.2.2 for non-residential special permit “uses” outside the Central Parking Area and residential and non-residential special permit “uses” in the Central Parking Area:

for up to 30,000 sf of “gross floor area” a fee of \$100.00/1,000 sf of “gross floor area;” from 30,001 sf to 100,000 sf of “gross floor area” a fee of \$200.00/1,000 sf of “gross floor area;” from 100,001 to 200,000 sf of “gross floor area” a fee of \$100.00/1,000 sf of “gross floor area;” for “gross floor area” over 200,000 sf the same as above for the first 200,000 sf of “gross floor area” and \$75.00 for each additional 1,000 sf of “gross floor area.”

11.5.2.3 For special permit “uses” for which no modification is being made to the “site plan,” a fee of \$500 for each initial application.

11.5.3 For each initial application for "site plan" approval:

11.5.3.1 for all one and two family residences and for residential “uses” outside the Central Parking Area:

One Family	\$120.00
Two Family	\$140.00
1 unit (multifamily) to 30 units	\$100.00/unit
from 31 to 100 units	\$200.00/unit
from 101 to 200 units	\$100.00/unit
over 200 units	For first 200 units same as above plus \$75.00 for each unit over 200.

11.5.3.2 for non-residential “uses” outside the Central Parking Area and residential and non-residential “uses” in the Central Parking Area, excluding one and two family residences:

for up to 30,000 sf of “gross floor area” a fee of \$100.00/1,000 sf of “gross floor area;” from 30,001 sf to 100,000 sf of “gross floor area” a fee of \$200.00/1,000 sf of “gross floor area;” from 100,001 to 200,000 sf of “gross floor area” a fee of \$100.00/1,000 sf of “gross floor area;” for “gross floor area” over 200,000 sf the same as above for the first 200,000 sf of “gross floor area” and \$75.00 for each additional 1,000 sf of “gross floor area.”

11.5.4 For each initial appeal or initial application to the Board of Appeals:

11.5.4.1 for all one and two family residences and for residential “uses” outside the Central Parking Area:

One Family	\$120.00
Two Family	\$140.00
1 unit (multifamily) to 30 units	\$100.00/unit
from 31 to 100 units	\$200.00/unit
from 101 to 200 units	\$100.00/unit
over 200 units	For first 200 units same as above plus \$75.00 for each unit over 200.

11.5.4.2 for non-residential “uses” outside the Central Parking Area and for non-residential and residential “uses” in the Central Parking Area, excluding one and two family residences: for up to 30,000 sf of “gross floor area” a fee of \$100.00/1,000 sf of “gross floor area;” from 30,001 sf to 100,000 sf of “gross floor area” a fee of \$200.00/1,000 sf of “gross floor area;” from 100,001 to 200,000 sf of “gross floor area” a fee of \$100.00/1,000 sf of “gross floor area;” for “gross floor area” over 200,000 sf the same as above for the first 200,000 sf of “gross floor area” and \$75.00 for each additional 1,000 sf of “gross floor area.”

11.5.5 For amendments to "site plans," special permits and Board of Appeals or applications prior to final approval:

11.5.5.1 for one and two family residences: no fee; for all other amendments the greater of \$100.00 or 10% of the initial application fee but in no case more than \$2,500.

11.5.5.2 If the Commissioner of Building determines that the "site plan," or special permit amendment or amended appeal or application to the Board of Appeals represents a substantial change, the fee shall be based on the schedules for an original submission cited in Sections 11.5.2, 11.5.3, and 11.5.4.

11.5.6 For amendments to “site plans,” special permits, and appeals or applications to the Board of Appeals after final approval:

11.5.6.1 for all one and two family residences and for residential “uses” outside the Central Parking Area:

One Family	\$50.00
Two Family	\$50.00
1 unit (multifamily) to 30 units	\$25.00/unit
from 31 to 100 units	\$30.00/unit
from 101 to 200 units	\$25.00/unit
over 200 units	For first 200 units same as above plus \$30.00 for each unit over 200.

11.5.6.2 for non-residential “uses” outside the Central Parking Area and residential and non-residential “uses” in the Central Parking Area, excluding one and two family residences: for up to 30,000 sf of “gross floor area” a fee of \$25/1,000 sf of “gross floor area;” from 30,001 sf to 100,000 sf of gross floor area a fee of \$30.00/1,000 sf of gross floor area; from 100,001 to 200,000 sf “gross floor area” a fee of \$25.00/1,000 sf of gross floor area; for over 200,000 sf the same as above for the first 200,000 sf of “gross floor area” and \$30.00 for each additional 1,000 sf of “gross floor area.”

11.5.6.3 for amendments to special permit where no modification is being made to the “site plan,” a fee of \$250 for the application for an amendment to the approved special permit “use.”

11.5.7 Exceptions and modifications to fees:

11.5.7.1 If a One or Two Family residence is located on an environmentally sensitive site, and the proposed “site plan” or special permit or approval or determination by the Board of Appeals, or amendment of a “site plan,” special permit or approval or determination of the Board of Appeals affects any environmental features on the site or on any adjacent sites, then the fee for the initial application shall be \$1,500 and the fee for an application to amend a “site plan,” special permit, or action or determination of the Board of Appeals shall be \$750.

11.5.7.2 There shall be no fee for affordable units under the City’s Affordable Housing Assistance Program or under any other local, State or Federal program approved by the Common Council. For projects with affordable units outside the CPA, the total unit count shall be reduced by the number of affordable units. For projects inside the Central Parking Area, the “gross floor area” shall be reduced by 1,000 square feet of “gross floor area” per affordable unit.

11.5.7.3 For projects which demonstrate in their final construction drawings approved by the Commissioner of Building that the project meets LEED © design standards,

as certified by a LEED® Certified Architect or Engineer, a credit of twenty percent (20%) of the initial application fee, up to a maximum of \$3,000, shall be credited to the Building Permit Fee assessed by the Building Department for the review and issuance of permits for final construction plans. A credit of forty percent (40%) of the initial application fee, up to a maximum of \$4,000, shall be credited to the Building Permit Fee assessed by the Building Department for the review and issuance of permits for the final construction plans where the plans are certified by a LEED® Certified Architect or Engineer to meet LEED® Silver standards; and a credit of fifty percent (50%) of the initial application fee, up to a maximum of \$5,000, shall be credited to the Building Permit Fee assessed by the Building Department for the review and issuance of permits for the final construction plans where the plans are certified by a LEED® Certified Architect or Engineer to meet LEED® Gold or Platinum standards. This credit is to help defray the cost to the applicant of the LEED® review.

11.5.7.4 Outside the Central Parking Area, if an application is made, after the approval of a special permit, "site plan," or action or determination of the Board of Appeals, which proposes to increase the number of dwelling units over the number of units in the approved special permit, "site plan," or action or determination of the Board of Appeals, then the fee for the additional units shall be at the rate for an initial application for a special permit, "site plan," or action or determination of the Board of Appeals.

11.5.7.5 Outside the Central Parking Area, if an application is made after the approval of a "site plan," special permit, or variance which proposes to decrease the number of dwelling units from the number of units in the approved "site plan," special permit or action or determination of the Board of Appeals, then the fee for the application shall be based on the reduced number of units.

11.5.7.6 For a non-residential project outside the Central Parking Area or a residential or non-residential project in the Central Parking Area:

11.5.7.6.1 if an application is made after the approval of a special permit, "site plan," or variance to increase the "gross floor area" over the amount in the approved special permit, "site plan," or variance then the application fee for the additional "gross floor area" shall be at the same rate as required for the initial application.

11.5.7.6.2 if an application is made after the approval of a special permit, "site plan," or variance to decrease the "gross floor area" from the amount in the approved special permit, "site plan," or variance, then the application fee for the reduced "gross floor area" shall be calculated based on the reduced "gross floor area" at the amendment rate.

11.5.8 For applications to extend an approved "site plan," special permit or to extend an action by the Board of Appeals where it has a time limitation:

11.5.8.1 for an application for a first time extension of an approval a fee of 50% of the fee that would be charged for an amendment to the approval, but no less than \$50.

11.5.8.2 for an application for an extension of an approval beyond the first extension the fee shall be the same as for an amendment to the approval.

11.5.9 If any "site plan" or special permit application, amended application or extension application is subject to more than one approval, or if an application or appeal, amended application or appeal, or extension on an approved project before the Zoning Board is subject to more than one approval, such as a variance and "site plan" approval or special permit and "site plan" approval, only the largest fee shall apply.



## SECTION 12 - AMENDMENTS

### 12.1 General

The Common Council may from time to time on its own motion, on petition, or on recommendation of any board, agency or official of the City, after public notice and hearing, amend supplement, repeal or change the regulations and districts established under this Ordinance.

### 12.2 Amendments on Petition

12.2.1 Contents: A petition for any amendment of this Ordinance shall be made in 23 copies to the City Clerk and shall describe the proposed changes. For proposed amendments to the Zoning Map, a copy shall be included of the applicable portion of the Official Copy of the Zoning Map, as kept by the City Clerk, showing existing and proposed zoning, as well as a map drawn to an appropriate scale showing the "area affected" and the names of the owners of all "lots" within such area, as shown by the Tax Assessment Roll. For proposed amendments changing the district designation of properties over 25 acres, the petition shall be accompanied by an overall plan of development for such property. If a rendering is to be submitted, there shall also be submitted 12 8 ½ -inch by 11-inch photographs of such rendering.

12.2.2 Notice: The applicant shall be responsible for complying with the requirements as to notice in Section 12.7 below.

### 12.3 Amendments on Motion

12.3.1 Contents: To the extent feasible, an amendment on motion or an amendment proposed to the Common Council by any board, agency or official of the City shall contain the information required in Section 12.2.1 above.

12.3.2 Notice: The City Clerk shall be responsible for complying with the requirements as to notice in Section 12.7 below.

### 12.4 Initial Consideration

On the making of a motion, on receipt of a petition or on receipt of a recommendation of any board, agency or official of the City for a zoning amendment, the Common Council may decide not to formally consider such amendment. However, where petition is made by the owners of 50 percent or more of the "frontage" in any district or of the "frontage" of the several properties constituting a part thereof, as provided by Section 83 of the General City Law, such consideration is mandatory.

### 12.5 Referrals for Review and Report

If any amendment is to be considered by the Common Council, it shall be referred for review and report to the Planning Board, the Corporation Counsel, and any other board, agency or official of the City which the Common Council deems appropriate. The Planning Board shall confer with any petitioner and assist such petitioner, where necessary, to place the amendment in the most

appropriate form. Such conference and assistance shall not be deemed to constitute any commitment by the Planning Board as to its position on the advisability of the proposed amendment. After said conference, the petitioner shall be allowed to revise his petition and to provide copies of such revision to the Common Council and to any board, agency or official to which the original proposed amendment was referred. The Corporation Counsel shall report to the Common Council regarding the form of the proposed amendment. The Planning Board shall report to the Common Council regarding the form and the advisability of the proposed amendment. Its report shall analyze the proposed amendment and shall state the Board's reasons for its recommendation, describing any conditions it believes make the amendment advisable or not, and specifically stating whether the amendment would or would not be in accordance with the "Comprehensive Plan" and in furtherance of the purposes of this Ordinance. All such boards, agencies and officials shall have 30 days from the date of forwarding, or from the date of revision by the petitioner, whichever is later, to submit reports. In no case shall this Section restrict the right of an applicant to come before the Planning Board for an informal discussion and review prior to formal submission.

## **12.6 Public Hearing**

On receipt of the requested reports and any revised proposed amendment from an applicant or notification by the applicant that no revision will be made, the Common Council may schedule and hold a public hearing on the proposed amendment.

## **12.7 Notice of Hearing**

Notice of the public hearing shall be published [at least 3 days] in the official newspaper, [the first insertion to be] not less than 10 or more than 30 days prior to the date of the hearing. For proposed amendments to the Zoning Map, at least 1 week prior to the date of the hearing a notice of such hearing and a brief description of the proposed change shall be mailed to all owners of property (as shown by the tax assessment roll) within the "area affected." A copy of the notice, with proof of such mailing, together with proof of notice in the official newspaper, shall be filed in the City Clerk's office on or before the date of the public hearing.

## **12.8 Referral to Westchester County Planning Board and Adjacent Municipalities**

Not less than 10 days prior to the public hearing, the City Clerk shall forward copies of the proposed amendment with the notice of public hearing to the Westchester County Planning Board when such proposed development abuts a State or County highway, park, drainage channel or "building" site, and to the clerk of any abutting municipality where the property proposed for such development is located within 500 feet of such municipality, all in accordance with Sections 277.61 and 277.71 of the Westchester County Administrative Code.

## **12.9 Action**

A vote by the Common Council on a petition made by the owners of 50 percent or more of the "frontage" in any district shall be taken within 90 days of the filing of such petition with the City Clerk, as provided by Section 83 of the General City Law.

## **12.10 Records**

The City Clerk shall keep record copies of all Zoning Maps and text sections superseded by any amendment of this Ordinance.



## SECTION 13 - MISCELLANEOUS

### 13.1 Separability

Should any section, sub-section, paragraph, sentence, clause, provision or phrase of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect any other portion of this Ordinance.

### 13.2 Short Title

This Ordinance shall be known and may be cited as The Zoning Ordinance of the City of White Plains.

### 13.3 Effective Date

This Ordinance shall take effect immediately.

### 13.4 Effect on Building Permits and Building Permit Applications

Except as provided in this Section, nothing herein shall require any change in the plans, construction or designated "use" of a "building" or "structure" for which a building permit has been lawfully issued prior to or, under the circumstances noted below, within 60 days after the effective date of this Ordinance, provided that the proposed "use" complies with the "use" requirements of this Ordinance, and further provided that construction shall begin within 6 months of the date of such permit; the foundation or 15% of the construction valuation shall be completed within 1 year of the date of such permit; and the entire "building" or "structure" shall be completed within 2 years of the date of such permit.

In addition, if the Commissioner of Building determines that an application (with accompanying construction plans) for a building permit filed prior to the effective date of this Ordinance meets all requirements of the Zoning Ordinance in existence as of the date immediately prior to the effective date of this Ordinance, has received all necessary conditional or final approvals by the Common Council or the Board of Appeals, and complies with the "use" requirements of this Ordinance, then the Commissioner of Building shall issue all necessary permits within a reasonable time, but not longer than 60 days from such date, provided the applicant has taken all steps deemed necessary by the Commissioner of Building to obtain such permit.

Any of the above periods may be increased up to 50% by the Commissioner of Building on a showing of good cause.

Notwithstanding the preceding, the Commissioner of Building may require any such plans, construction or "use" to be subject to the "site plan" approval procedures as set forth in Section 7 of this Ordinance and to be modified to comply with the requirements of this Ordinance to the extent that the "site plan" approving agency determines such compliance to be reasonable and practical.

### 13.5 Repeal of Existing Ordinance

An Ordinance adopted by the Common Council of the City of White Plains on December 19, 1949,

entitled: An Ordinance Establishing Zoning Regulations and Providing for the Administration and Enactment Thereof Pursuant to the Zoning Provisions of the General City Law, is hereby repealed as of the effective date of this Ordinance.

**AMENDMENTS TO  
JUNE 1<sup>st</sup> 1981 ZONING ORDINANCE**

<b>Change No.</b>	<b>Date of Adoption</b>	<b>MAP</b>	<b>TEXT</b>	<b>DESCRIPTION</b>
1.	Sep 8, 1981	*		White Plains Hotel Annex B-3 to B-4
2.	Dec 9, 1981		*	Holiday Inn - Text change to Special Provisions
3.	Feb 3, 1982		*	Holiday Inn - Text change to Special Provisions
4.	Mar 1, 1982		*	Holiday Inn - Text change to Special Provisions
5.	Mar 15, 1982	*		Rahmani Towers B-3 to RM-0.35
6.	Jul 12, 1982		*	Holiday Inn - Text change to Special Provisions
7.	Aug 3, 1982	*		Markey Property B-2 to LI
8.	May 2, 1983		*	Health Clubs defined and regulated
9.	Aug 1, 1983		*	Corrections & Technical Adjustments
10.	Sep 6, 1983	*		Visiting Nurse Service RM-0.35 to B-4
11.	Oct 3, 1983		*	Major and Minor Policy Changes
12.	Feb 6, 1984		*	Time Limits for Site Plan Approval
13.	Aug 6, 1984		*	Amortization of Non-Conforming Security Grilles
14.	Sep 4, 1984		*	Professional Persons to include Chiropractors
15.	May 6, 1985		*	UR-2 District - FAR from 8.0 to 5.0
16.	Jun 3, 1985	*		Battle Hill School R2-4 to RM-1.5
17.	Oct 7, 1985		*	Emergency Shelters and Overnight Shelters for the Homeless defined and regulated
18.	Feb 3, 1986	*	*	R1-30 District established and mapped
19.	Apr 7, 1986	*	*	BR-1, BR-2, BR-3, BR-4 Districts established and mapped; RM-0.7 District created; B-4 District deleted
20.	Apr 7, 1986		*	TVRO defined and regulated
21.	Jul 7, 1986		*	Family defined
22.	Jul 7, 1986		*	Site Plan requiring variances - review procedures amended
23.	Sep 2, 1986		*	Social Service Centers for Homeless Persons defined and regulated
24.	Sep 15, 1986		*	Outdoor Storage of Motor Vehicles (Rooftop Garages)
25.	Sep 15, 1986	*		Elba Enterprises RM-1.5 to B-3
26.	Dec 1, 1986	*		South Side of Maple Avenue RM-0.35 to RM-1
27.	May 4, 1987		*	Process for Swimming Pool Approval amended
28.	May 4, 1987		*	Philanthropic Institutions defined and regulation simplified
29.	May 4, 1987		*	Special Permit requiring variances - review procedure amended
30.	May 4, 1987		*	Special Permit procedure for Motor Vehicle Service Stations amended
31.	May 4, 1987		*	Special Permit procedure for TVRO's amended
32.	Jul 5, 1988		*	Real Estate Offices defined and permitted in B-1, B-2, B-3, BR-1, BR-2, BR-3, BR-4 and UR-2 Districts
33.	Aug 24, 1988		*	Cabaret allowed as Special Permit Use in BR-3
34.	Sep 6, 1988		*	Structures allowed in special setbacks in CPA upon approval by site plan approving agency
35.	Oct 3, 1988		*	Language added to clarify mandatory off-street parking requirements
36.	Feb 6, 1989		*	Removing restrictions in the CPA of the parking requirement for Senior Citizen Assisted Housing

Change No.	Date of Adoption	MAP	TEXT	DESCRIPTION
37.	Feb 15, 1989	*	*	New B-4 District created and mapped
38.	Apr 3, 1989		*	Parking lots and parking garages allowed as special permit uses in RM-1, RM-0.7, RM-04 and RM-0.35 Districts
39.	Apr 3, 1989		*	Parking in front yards allowed in certain residential zones in accordance with specified criteria
40.	Jun 5, 1989		*	Approval for significant projects to pass to Common Council from Planning Board
41.	Aug 7, 1989	*		Orawaupum Development Corp 2/63/9A & 10 R2-4 to RM-2.5
42.	Dec 18, 1989		*	Protection of Environmentally Sensitive Sites and Features
43.	Feb 13, 1990		*	Making Nursery Schools or Day Care Centers a Special Permit Use in R1-12.5 Districts
44.	Apr 2, 1990	*		Placing certain premises in the B-6 District; de-mapping a Special Building Setback
45.	Apr 2, 1990		*	Adopting certain provisions for the B-6 District outside the CPA; establishing discrete parking and loading requirements for the B-6 District
46.	Sep 4, 1990		*	Clarification of definition of Customary Home Occupation
47.	Sep 4, 1990		*	Codification of procedures for amendments to Site Plans in former "S" Districts
48.	Sep 4, 1990		*	Adoption of standards, criteria and procedures for consideration of requests for minor amendments of approved Site Plans
49.	Nov 5, 1990		*	Common Council designated approving agency for Special Permits for Golf & Country Clubs
50.	May 6, 1991		*	Nursery Schools and Day Care Centers allowed as Special Permit Use in RM-04 District
51.	Jun 3, 1991		*	Fees in §11 amended
52.	Jun 17, 1991	*		5/6000/1A,1B,1E,1F, 1FA, 1AB; 5/27/1-16 from B-1 to B-6; 5/25/1-14 & 30-35 from B-1 to B-6. De-mapping of Special Building Setback line and radius requirements along southerly side of Westchester Avenue between Bloomingdale Road and Armory Place
53.	Jun 17, 1991		*	Deleting height requirement expressed in stories from B-6 District
54.	Aug 14, 1991		*	Fast Food Eating Establishments permitted in BR-3 District
55.	Sep 4, 1991		*	Allowing Transitional Housing for Homeless Families as a Special Permit Use in the RM-0.35 and BR-3 Districts
56.	Jan 6, 1992		*	Language added to define and clarify Decks
57.	Apr 6, 1992		*	Language added regarding reimbursement of costs incurred verifying and/or correcting violations
58.	Jul 6, 1992		*	Language added providing procedures for consideration of requests for minor amendments of approved Conservation Developments
59.	Jul 6, 1992		*	Language added modifying off-street parking for certain uses in the CPA
60.	Aug 3, 1992		*	Changing TVRO's to Dish Antennas
61.	Jan 4, 1993		*	Language regarding dimensions and distribution of parking spaces
62.	Mar 2, 1993		*	Headquarters for Philanthropic Institutions deleted from Special Permit Uses allowed in the R1-12.5 District
63.	Jun 7, 1993		*	Headquarters for Philanthropic Institutions deleted from Special Permit Uses allowed in the R1-7.5, R1-5 and R2-4 Districts

Change No.	Date of Adoption	MAP	TEXT	DESCRIPTION
64.	Aug 2, 1993		*	Independent, Unaffiliated Nursery Schools and Day Care Centers allowed in churches, etc., in all but the RM-2 and CO Districts
65.	Oct 4, 1993		*	Consumer Financial Services Establishments defined as a permitted principal use in the BR-3, BR-4, B-4, UR-2 and B-6 Districts
66.	Dec 6, 1993		*	Incidental Seating allowed in establishments which sell prepared foods, snacks and/or beverages for off-premises consumption
67.	Jun 6, 1994		*	Outdoor Storage of Motor Vehicles allowed in the B-2 District
68.	Jun 6, 1994		*	Planning Board designated approving agency where the minimum parking requirement is more than 10 spaces
69.	Jun 6, 1994		*	Flexibility given to approving agency with respect to standards for Motor Vehicle Service Stations and Repair Shops
70.	Sep 12, 1994	*		5/17/5 & 6 from BR-1 to BR-3
71.	Sep 12, 1994		*	Definition of Cabaret amended; Café defined and added as a use
72.	Sep 12, 1994	*	*	RM-1.5T District established and mapped
73.	Sep 12, 1994		*	Permitting procedures for Dish Antennas amended
74.	Oct 3, 1994		*	Allowing Electronic Games as a Permitted Accessory Use in all Districts
75.	Oct 3, 1994	*		6/66/14D, E, & F from CO to R1-12.5
76.	Oct 3, 1994		*	Approval process for multiple concurrent applications streamlined
77.	Dec 5, 1994		*	Stacked Attendant Parking allowed in the CPA as a Special Permit Use
78.	Apr 3, 1995		*	"Area Affected" increased from 100 to 200 feet
79.	May 1, 1995		*	Fines for violations increased
80.	Jul 3, 1995		*	Common Council given ability to reclaim jurisdiction over certain Special Permit Uses
81.	Oct 2, 1995		*	Fine for first conviction of a violation increased
82.	Feb 5, 1996		*	Site Plan approvals and Parking requirements for Change of Use
83.	Mar 4, 1996		*	Section 10 replaced to reflect changes in State Law
84.	Aug 5, 1996		*	Amendments to fee-in-lieu provisions
85.	Sep 9, 1996		*	Offices for Group Education, Training or Counseling... established as use
86.	Oct 9, 1996		*	Section 4.4.17, Security Grilles, replaced in its entirety
87.	Jan 6, 1997		*	Amendments to fee-in-lieu provisions; §8.5.1.6 to apply to on- and off-street improvements
88.	Jan 6, 1997		*	§4.4.18.3 amended with regard to Camper Trailer storage
89.	Apr 7, 1997		*	Height of fences abutting major roads amended
90.	May 5, 1997		*	Site Plan approval for existing Uses
91.	Jun 2, 1997		*	Front Yard setback and Height in RM-0.35 amended
92.	Jul 15, 1997	*		Special Building Setback along South Broadway & Maple Avenue (Saks site) amended and de-mapped
93.	Jul 15, 1997		*	Parking and projections on Saks site
94.	Oct 6, 1997	*		CPA boundaries amended
95.	Nov 3, 1997		*	Auction Houses allowed in B-2 District within the CPA
96.	Mar 2, 1998		*	Parking and loading space requirements for existing structures and uses amended
97.	Apr 3, 1998		*	Retail Amusement Center created as a Special Permit Use in the B-6 District

Change No.	Date of Adoption	MAP	TEXT	DESCRIPTION
98.	Aug 3, 1998	*	*	Creation and mapping of UR-4 District
99.	Jan 4, 1999		*	Procedure added for designation of Alternate Members of Zoning Board of Appeals
100.	May 3, 1999	*		De-mapping Special Building Setback line and radius requirements across frontage of 145 Westchester Avenue
101.	Jul 6, 1999		*	Ancillary Hospital and Sanitarium Uses listed and regulated
102.	Aug 2, 1999		*	Retail Amusement Centers deleted from Special Permit Uses
103.	May 11, 2000	*	*	Boundary of CPA moved to include SBL 125.67-03-01; 12-story Height limitation removed
104.	Jun 5, 2000		*	New § 5.4.1.5.1 added. Increased density in RM-0.35 District allowed when used for the purposes set forth in §5.4.1.5.1
105.	Jun 5, 2000		*	Language added concerning lots in two or more districts or municipalities
106.	Sep 5, 2000		*	FAR may be increased on lots greater than 1000,000 s.f. in the UR-2 District
107.	Apr 2, 2001		*	Modifications to BR-1 and BR-2 Districts
108.	Sep 4, 2001	*	*	Deletion of certain Districts and creation of new Districts; Zoning Map changes in the Core Area (BR's to CB's)
109.	Sep 6, 2001	*	*	Creation of R2-2.5 District; Certain dimensional changes and Zoning Map changes outside the Core Area
110.	Sep 4, 2001		*	Increased height allowed in the UR-4 District
111.	Sep 20, 2001		*	Dimensional standards in the RM-1 District modified (affordable units)
112.	Feb 7, 2002		*	Dimensional standards in Single-Family and R2-4 Districts modified
113.	Sep 3, 2002		*	Motor Vehicle Repair Shops allowed as a Special Permit Use in the B-6 District within the CPA under certain conditions
114.	Jan 6, 2003		*	Transfer of development rights
115.	Sep 7, 2004		*	Assisted Living Facility created as a principal permitted use in the O-R, CB-1, CB-2, CB-3 and CB-4 Districts.
116.	Jan 3, 2005	*		De-mapping Special Building Setback line and radius requirements at the southwest corner of Maple Avenue and DeKalb Avenue
117.	Mar 7, 2005		*	"Mini Storage Facility" established as a use in the LI District
118. 1	Apr 4, 2005		*	Height increase for 221 Main Street
119.	Apr 3, 2006	*	*	Two-foot Special Building Setback line and radius established for certain parcels on Martine Ave., UR-4 removed from Section 5.5.3.1 building setbacks
120.	July 5, 2006		*	Exceptions to "height" limitations and screening of mechanical equipment
121.	Aug 7, 2006	*		Placing 230 Dr. Martin Luther King, Jr. Blvd. in the B-3 District
122.	Oct 26, 2006		*	In relation to change of district of Lots 8, 8A, 9 and 10, Block 9, Ward 4 (White Plains Plaza) (S Zone Amendment)
123.	Feb 16, 2007	*		Re-zoning certain properties in area of Miles Ave., Albemarle Rd. and Beverly Rd. from R1-5 to R1-7.5
124.	Mar 5, 2007	*	*	Establishing new zoning district "Planned Senior Residential Development Zoning District"
125.	June 4, 2007		*	"Extended stay hotel" established as permitted principal "use" in CB-3, CB-4 and UR-4 Districts and as special permit "use" in C-O, B-3, CB-1 and CB-2 Districts; "restaurants," "cafeterias" established as principal permitted "use" in C-O District, "day care

Change No.	Date of Adoption	MAP	TEXT	DESCRIPTION
				centers” and “nursery schools” established as special permit uses in C-O District
126.	Dec 20, 2007		*	Requiring Storm Water Pollution Prevention Plan consistent with the requirements of Chapter 3-6 of the Municipal Code of the City of White Plains.
127.	June 2, 2008		*	In relation to adjustments to approved “site plans” and “site plan” amendments involving additional “stories” or “mezzanine” levels.
128.	Dec 1, 2008		*	“Business or Professional Offices of a ‘Professional Person’” in BR-1 and BR-2 Zoning Districts
129.				
130.	May 4, 2009		*	Fees charged for applications made pursuant to sections 6, 7, 9.5, 10.3.5, 10.3.6 and 10.3.7 of the Ordinance
131.	July 6, 2009	*		(1) Re-zone portion of Winbrook property fronting on S. Lexington and (2) extend Central Parking Area line to include Winbrook property and certain properties located on westerly side of S. Lexington Ave. from Fisher Ave. to Denison St.
132.	Aug 3, 2009		*	Large signs in non-residential districts
133.	Oct 5, 2009	*		PSRDD and Automated Parking
134.	Dec 6, 2010		*	Environmentally sensitive sites - 100 ft. wetland buffer
135.	January 3, 2012		*	Establishing Health Clubs as a Special Permit use in the B-6 “Enclosed Mall” Zoning District
136.	August 6, 2012		*	Campus Office: expand permitted uses, create “Planned Campus Development” overlay district, revise and establish dimensional standards
137.	January 7, 2013		*	Merging Parking and Traffic Departments
138.	August 5, 2013		*	Definitions of “Day Care Centers” and “Nursery Schools”
139.	October 7, 2013	*		Remap Parcels at 71 E. Post Rd and 211 S. Lexington changed from the B-3 to O-R District
140.	November 4, 2013		*	“Nursery Schools” and “Day Care Centers” made Special Permit uses in the R2-4 District if on County or State roads
141.	January 6, 2014		*	Sections 4.4.21 and 9.5.3 amended in relation to installation of solar energy systems for one or two family structures
142.	May 5, 2014	*		Discontinuance of an Unimproved Portion of Middle Road between 181 and 189 Hillair Circle
143.	July 7, 2014		*	Section 6.7.8 – public notice mailing requirements for special permits for outdoor dining
144.	December 1, 2014		*	BR-1 amendment to add uses
145.	March 2, 2015		*	Parking requirements reduced outside CPA, for retail with ≥150,000sf gross floor area
146.	May 4, 2015		*	Special permit uses for Cabarets in non-residential districts. The definition of “Cabaret” was revised and “Primary Cabaret” and “Accessory Cabaret” definitions added.
147.	May 4, 2015		*	Section 12.7 Publication of Notice of Public Hearing for at least three (3) days in the official newspaper.
148.	August 3, 2015	*	*	Addition of LI-M Zone to Zoning Ordinance and Map