



Memo

To: Mayor and Board of Trustees
From: Greg Cutler, AICP- Village Planner
CC: Dan Sarnoff- Acting Village Manager, Robert Spolzino-Village Attorney, Dan Gray- Building Inspector
Date: 11/9/2018
Re: PLL-T Regarding number of uses on a lot

Background

This item was identified as a potential area of concern when the code was reviewed by the former Village Attorney in consultation with Building Inspector and the former land use counsel. The memo from February 16, 2017 states the following:

Clarification is needed in the Code on multiple uses on one lot. In residential zones there should be only one principal permitted use. However, in non-residential zones there may be more than one. This is not clear.

The code is silent on whether more than one use is permitted on one lot in both residential and commercial districts. This is an issue for the commercial districts where customarily there may be more than one use on a single lot, specifically in cases where there are multiple tenants of one building that may have different uses. This is also a concern in traditionally mixed-use areas like the downtown and portions of Washingtonville.

The proposed local law would make it clear that only one use is permitted per lot in residential districts and that more than one use is permitted per lot in non-residential districts.

SEQRA Analysis

It is recommended that the proposal be treated as unlisted action under SEQRA. It is noted that there was discussion around classifying the action as a Type I at the November 7, 2018 Board of Trustees Work Session. While not present at the meeting it is assumed 617.5 (b) (2) is the Type I action that was under discussion. 617.5 (b) (2) states that “the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district” are Type I actions. A change that would clearly state that more than one use is permitted on properties in commercial zones does not constitute a

“change in the allowable uses” in a zoning district. In fact, the draft law does not contemplate changing the allowable uses in any zoning district of the Village.

Referrals

Required:

- GML and Westchester County Administrative Code- Westchester County Department of Planning
- Harbor and Coastal Zone Management Commission

Recommended:

- Planning Board
- Zoning Board of Appeals