

**Town of Eastchester
LOCAL LAW NO. 5 – 2000**

ADOPTED NOVEMBER 21, 2000

**AMENDED MARCH 20, 2001 BY LOCAL LAW NO. 4 OF 2001,
AMENDED AUGUST 14, 2001 BY LOCAL LAW NO. 7 OF 2001,
AMENDED JANUARY 22, 2002 BY LOCAL
LAW NO. 1 OF 2002, AMENDED SEPTEMBER 21, 2004
BY LOCAL LAW NO. 9 OF 2004, AMENDED MAY 20, 2008 BY LOCAL
LAW NO. 2 -2008, AMENDED NOVEMBER 5, 2009 BY LOCAL LAW NO.
8 – 2009, AMENDED MARCH 19, 2013 BY LOCAL LAW NO. 1- 2013,
AMENDED MARCH 5, 2019 BY LOCAL LAW NO. 1 – 2019,
AMENDED MARCH 5, 2021 BY LOCAL LAW NO. 1-2021,
AMENDED FEBRUARY 15, 2022 BY LOCAL LAW NO. 1-2022**

TABLE OF CONTENTS

| | |
|--|-----------|
| TABLE OF CONTENTS..... | 1 |
| INTRODUCTION..... | 10 |
| SECTION 1. PURPOSE | 11 |
| SECTION 2. DEFINITIONS..... | 13 |
| A. Introduction | 13 |
| B. General Construction of Language..... | 13 |
| C. Terms Not Defined | 15 |
| D. Definitions | 15 |
| SECTION 3..... | 44 |
| SECTION 4. DISTRICTS, MAP AND SCHEDULES | 45 |
| A. Districts..... | 45 |
| B. Map..... | 46 |
| 1. Establishment | 46 |
| 2. Boundaries..... | 46 |
| C. Schedules Controlling Lands and Buildings..... | 47 |
| 1. Establishment | 47 |
| 2. Uses | 47 |
| 3. Interpretation of Schedule | 47 |
| 4. Order of Restrictiveness | 48 |
| 5. Schedule of Residential District Regulations..... | 48 |
| 6. Schedule of Non-Residential District Regulations..... | 48 |
| SECTION 5. ADMINISTRATION AND ENFORCEMENT | 49 |

| | |
|---|-----------|
| A. General | 49 |
| B. Building Permits | 50 |
| 1. Applications..... | 50 |
| 2. Permits..... | 50 |
| 3. Applications and Fees for Extensions of Building Permits..... | 52 |
| C. Certificate of Occupancy | 52 |
| 1. Applications..... | 52 |
| 2. Occupancy Prohibited without Certificate | 52 |
| 3. Certificate for Variance and Special Permit | 52 |
| 4. Recording Status of Non-Conforming Uses..... | 52 |
| D. Interpretation | 53 |
| E. Violations, Penalties, and Enforcement | 54 |
| SECTION 6. NON-CONFORMITY | 56 |
| A. Continuing Non-Conforming Uses | 56 |
| B. Special Permit Uses | 56 |
| C. Dimensional Non-Conformity | 56 |
| D. Non-Conforming Use of Land, Buildings or Structure | 57 |
| 1. Non-Conforming Use of Land | 57 |
| 2. Change to Building or Structure..... | 57 |
| 3. Non-Conforming Use of Building or Structure..... | 57 |
| 4. Cessation of Non-Conforming Use | 57 |
| 5. Removal of Building | 58 |
| E. Reconstruction | 58 |
| 1. Over Fifty Percent | 58 |
| 2. Fifty Percent and Under | 59 |
| F. Change to Another Non-Conforming Use | 59 |
| SECTION 7. EXCEPTIONS AND MODIFICATIONS | 60 |
| A. As to District Boundaries | 60 |
| B. As to Use | 60 |
| C. As to Height | 62 |
| D. As to Area | 64 |
| E. Open Retail Business Or Retail Business District Or General Business District (ORB, RB, GB) | 67 |
| SECTION 8. FENCES AND WALLS | 68 |
| A. Purpose | 68 |
| B. Measuring Height | 68 |

| | |
|---|-----------|
| C. Fences and Walls in Residential Districts | 69 |
| 1. Front Line Fences | 69 |
| 2. Rear Line Fences | 69 |
| 3. Side Line Fences | 69 |
| 4. Enclosing Rear Yard | 69 |
| D. Fences and Walls in Non-Residential Districts Excluding the General Business District | 70 |
| 1. Front Line Fences | 70 |
| 2. Rear Line Fences | 70 |
| 3. Side Line Fences | 70 |
| 4. Enclosing Rear Yard | 71 |
| 5. Enclosing Side Yard | 71 |
| E. Fences and Walls in General Business District | 71 |
| F. Fences in Corner Lots and Flag Lots | 71 |
| 1. Corner Lots | 71 |
| 2. Flag Lots | 72 |
| G. Retaining Walls in All Districts | 72 |
| H. Fence Posts or Supporting Members | 72 |
| I. Duty to Maintain | 73 |
| J. Persons Eligible to Appeal | 73 |
| K. Fences or Walls Prohibited in all Districts | 73 |
| L. Fences and Walls Prohibited in All Residence Districts, RB, DSC, ORB, and RTD | 74 |
| SECTION 9. GENERAL REQUIREMENTS | 75 |
| A. Conformity Required | 75 |
| B. Completion of Structures for Which Permit Has Been Issued | 75 |
| C. Subdivision Of A Lot | 75 |
| 1. Authority | 75 |
| 2. Purpose | 76 |
| 3. Subdivision Policy | 76 |
| 4. Definitions | 76 |
| D. Subdivision Procedure | 79 |
| 1. Sketch Plan | 79 |
| 2. Major Subdivision | 79 |
| 3. Resubdivision | 80 |
| 4. Minor Subdivision | 80 |
| E. General Procedures | 81 |

| | |
|--|------------|
| 1. Purpose of Sketch Plan | 81 |
| 2. Sketch Plan Procedure | 81 |
| 3. Expiration of Sketch Plan Approval | 82 |
| 4. Required Sketch Plan Data | 82 |
| 5. Purpose of Preliminary Plat | 83 |
| 6. Preliminary Plat Procedure | 84 |
| 7. Subdivision Application Fee..... | 84 |
| 8. Expiration of Preliminary Plat Approval | 84 |
| 9. Preliminary Plat Mapping Requirements..... | 85 |
| 10. Purpose of Final Plat..... | 89 |
| 11. Final Plat Procedure..... | 89 |
| 12. Expiration of Final Plat Approval | 92 |
| 13. Final Plat Mapping Requirements | 92 |
| 14. Drainage Plan and Street Profiles | 95 |
| F. Performance and Maintenance Bond | 96 |
| 1. Purpose of Performance Bond..... | 96 |
| 2. Procedure for Performance Bond | 97 |
| 3. Maintenance Bond..... | 97 |
| 4. Public Improvements Specifications | 98 |
| 5. Inspection | 98 |
| 6. Fees..... | 99 |
| G. Minor Subdivision Plot | 99 |
| 1. Purpose | 99 |
| 2. Procedure..... | 100 |
| 4. Fees..... | 100 |
| 5. Expiration of Approval..... | 100 |
| 6. Mapping Requirements | 101 |
| H. Design Standards..... | 101 |
| 1. Land Use..... | 101 |
| 2. Dedication of Park Land..... | 101 |
| 3. Streets and Highways | 102 |
| 4. Lots and Blocks | 104 |
| 5. Preservation of Natural Environment..... | 105 |
| 6. Public Utilities..... | 105 |
| I. Miscellaneous Provisions | 105 |
| 1. Required Notification and Signs | 105 |
| 2. Authority to Modify Provisions | 106 |

| | |
|--|------------|
| 3. Notes on Filed Plans..... | 106 |
| 4. General | 107 |
| 5. Roadways | 107 |
| 6. Sanitary Sewers | 108 |
| 7. Water Mains | 110 |
| 8. Drainage | 110 |
| 9. Miscellaneous Provisions | 111 |
| J. Cluster Subdivisions..... | 111 |
| 1. Purpose | 111 |
| 2. Applicability..... | 112 |
| K. Accessory Building or Structures | 116 |
| L. Projection Beyond Building Line Prohibited..... | 116 |
| M. Landscaping, Screening and Buffer Areas..... | 117 |
| N. Exterior Lighting..... | 121 |
| O. Effective Square..... | 121 |
| P. Coverage – Impervious Surface..... | 121 |
| Q. Maximum Permitted Gross Floor area (One and Two Family Residences)..... | 123 |
| R. Lot Frontage on a Cul-De-Sac..... | 124 |
| S. Swimming Pools, Residential..... | 124 |
| T. Tennis Courts, Sports Courts, Sports Apparatus, Basketball Courts, On Lots | 127 |
| U. Portable Storage Units..... | 127 |
| V. Solar Energy Collectors..... | 128 |
| W. Lots Mergers | 130 |
| SECTION 10. ZONING BOARD OF APPEALS..... | 131 |
| A. Interpretation..... | 131 |
| B. Variances..... | 131 |
| 1. Use Variances..... | 132 |
| 2. Area Variances | 133 |
| 3. Conditions and Safeguards..... | 134 |
| C. Special Permits | 134 |
| D. Non-Conformity..... | 134 |
| E. Undersize Lot..... | 135 |
| F. Rules and Regulations..... | 135 |
| G. Procedure | 135 |
| 1. Appeals and Applications..... | 135 |

| | |
|--|------------|
| 2. Public Hearing..... | 136 |
| 3. Quorum and Decision..... | 136 |
| 4. Minutes and Records..... | 136 |
| 5. Review by Other Agencies..... | 137 |
| H. Expiration of Variance..... | 137 |
| SECTION 11. PLANNING BOARD, SITE PLAN APPROVAL, AND ARCHITECTURAL REVIEW..... | 139 |
| A. Establishment..... | 139 |
| B. Special Permits | 139 |
| C. Rules and Regulations..... | 139 |
| D. Quorum and Decision | 139 |
| E. Site Plan Approval and Architectural Review..... | 140 |
| 1. Multi-Family and Non-Residential | 140 |
| 2. One or Two Family Dwellings | 142 |
| F. Application..... | 144 |
| 1. General | 145 |
| 2. Legal Data | 145 |
| 3. Natural Features | 146 |
| 4. Existing Structures and Utilities..... | 147 |
| 5. Proposed Development..... | 147 |
| G. Review Procedure..... | 149 |
| 1. Application | 149 |
| 2. Review by Other Agencies..... | 150 |
| 3. Public Hearing and Decision on Site Plans..... | 150 |
| 4. Notice | 151 |
| 5. Variance in Conjunction with a Site Plan | 151 |
| H. Standards | 152 |
| I. Expiration..... | 155 |
| J. Amendments | 155 |
| 1. Minor Amendments..... | 155 |
| 2. Substantial Amendments..... | 156 |
| K. Guarantee of Completion | 156 |
| SECTION 12. SPECIAL PERMITS | 159 |
| A. General Provisions | 159 |
| B. Approving Agencies | 159 |
| C. Review Procedure..... | 161 |
| 1. Application | 161 |

| | |
|--|------------|
| 2. Review by Other Agencies..... | 161 |
| 3. Public Hearing..... | 162 |
| 4. Notice | 162 |
| 5. Action | 162 |
| 6. Extensions of Time Periods..... | 163 |
| 7. Variances in Conjunction with a Special Permit..... | 163 |
| D. Standards | 164 |
| E. Expiration..... | 164 |
| F. Revocation | 165 |
| G. Change..... | 165 |
| H. Individual Standards and Requirements for Certain Special Permits .. | 166 |
| 1. Assembly Shop..... | 166 |
| 2. Car Wash..... | 166 |
| 3. Day Care Facility - Commercial | 168 |
| 4. Day Care Facility - Home Based..... | 169 |
| 5. Day Care Facility – Intermittent..... | 170 |
| 6. Drive-In Accessory Use | 170 |
| 7. Extension of a Use over a District Boundary Dividing a Lot | 171 |
| 8. Hospital | 171 |
| 9. Hotel | 172 |
| 10. Non-Profit Community Service Facility | 172 |
| 11. Nursery Schools | 173 |
| 12. Outdoor Dining..... | 174 |
| 13. Private Parking Lot..... | 176 |
| 14. Place of Worship | 178 |
| 15. Private School..... | 178 |
| 16. Private Learning Center..... | 180 |
| 17. Public Utility Facility | 181 |
| 18. Radio or Television Broadcasting Studio or Station | 182 |
| 19. Recreation and Family Entertainment Facility (Indoor) | 182 |
| 20. Recreation and Family Entertainment Facility (Outdoor)..... | 184 |
| 21. Recreation/Social Club/Lodge | 184 |
| 22. Food Service Establishment | 186 |
| 23. Satellite Earth Station | 189 |
| 24. Transportation Facility | 189 |
| 25. Veterinary Hospital | 190 |
| 26. Wireless Communication Installation | 191 |

| | |
|---|------------|
| 27. Senior Housing Development | 194 |
| A. Special Permit Authorized | 194 |
| B. Enforcement | 200 |
| C. Additional Requirements | 202 |
| D. Conversion to Cooperative or Condominium Ownership | 203 |
| SECTION 13. PARKING, LOADING, AND DRIVEWAYS | 204 |
| A. Required for all New Buildings and Uses | 204 |
| B. Existing Structures and Uses | 204 |
| C. Location, Improvement, Use, Design, and Maintenance | 204 |
| 1. Location..... | 204 |
| 2. Improvement of Parking Facilities | 205 |
| 3. Waiver of Improvement | 205 |
| 4. Size of Parking Spaces | 205 |
| 5. Aisles | 205 |
| 6. Access..... | 206 |
| 7. Landscaping | 206 |
| 8. Grades and Marking | 208 |
| 9. Interconnection of Parking Areas..... | 208 |
| 10. Operation and Maintenance..... | 209 |
| 11. Reserved Parking for Handicapped Persons | 209 |
| 12. Shared Parking | 209 |
| D. Schedule of Off-Street Parking Requirements | 210 |
| E. Off-Street Loading Requirements | 213 |
| F. Size | 213 |
| G. Location | 213 |
| H. Required Number of Spaces | 213 |
| I. Improvement of Loading Facilities | 214 |
| J. Driveways | 214 |
| 1. Driveway Grades..... | 214 |
| 2. Driveway Alignment and Location | 215 |
| 3. Driveway Surfacing..... | 215 |
| 4. One and Two-Family Driveways | 215 |
| 5. Sight Distance..... | 216 |
| SECTION 14. AMENDMENTS | 217 |
| A. General | 217 |
| SECTION 15. SEVERABILITY | 218 |
| SECTION 16. EARLIER ORDINANCES REPEALED | 219 |

SECTION 17. RELATION TO OTHER PROVISIONS.....220
SECTION 18. EFFECTIVE DATE221