

**VILLAGE OF HILLBURN**

**LOCAL LAW NO. 4 OF 2023**

**Adopted 9/12/2023**

A local law amending Chapter 250 of the Code of the Village of Hillburn, the Hillburn Zoning Local Law.

**BE IT ENACTED** by the Board of Trustees of the Village of Hillburn, as follows:

**SECTION 1. TITLE.**

This local law shall be known as “A Local Law Enacting Certain Zoning Amendments to Chapter 250, Zoning, of the Code of the Village of Hillburn to expand the Allowable Uses in the LS Local Shopping Center zoning district”.

**SECTION II. AUTHORITY.**

This Local Law is enacted pursuant to the authority of Municipal Home Rule Law § 10 and in accordance with Chapter 250, Article XV (Amendments) of the Code of the Village of Hillburn.

Section 250-7 of the Code of the Village of Hillburn, “Floor Area of Building, Gross,” is hereby amended to add the following definition:

**SECTION III. PURPOSE AND FINDINGS.**

The Village of Hillburn adopted a Comprehensive Plan for the municipality in 2020. The Comprehensive Plan created a Local Shopping (LS) zoning district to allow for uses that would meet the day-to-day local shopping needs of Hillburn residents and businesses. At that time, the existing bus garage had yet to be built, and it was anticipated there would be demand for local retail uses generated by new housing development planned within the Village and surrounding areas in unincorporated Ramapo. Due to COVID, which has significantly and adversely impacted the demand for brick and mortar retail uses and also negatively impacted local housing demand, as well as other economic trends, the Village finds that it needs to ensure that the LS zoning district allows uses that were historically permitted and are still presently located in the district, so that the zoning does not unintentionally erode the Village

tax base through lack of demand for uses that are presently allowed in the LS zone. To that end, the Village desires to continue to encourage the LS uses allowed in the LS zone, but to also allow uses that were allowed within the HC Highway Commercial zone, which was the zoning district in place prior to creation of the LS zone. Further, the zoning amendment proposes to rezone a portion of one parcel which is presently zoned R-9 to the LS zone to make it consistent with the remainder of the LS zoning for said parcel, as set forth below.

**SECTION IV. ZONING CHAPTER AMENDMENTS.**

Section 250, Zoning, of the Code of the Village of Hillburn, is hereby amended as follows:

**Section 1.** Table A, Schedule of General Use and Bulk Requirements, is hereby amended to delete the table applicable to the LS zoning district in its entirety, and to replace same in its entirety with the following new table applicable to the LS zoning district.

LS Local Shopping Zoning District											
Principal Use	Use Type	Minimum:						Maximum Building Height		Maximum Lot Coverage (%)	Maximum Floor Area Ratio
		Lot Area (Square Ft)	Lot Width (Ft)	Front Yard (Ft)	One Side Yard (Ft)	Total Side Yard (Ft)	Rear Yard (Ft)	Stories	Feet		
Antique shop	P/SP	10,000	75	25	20	40	25	2	25	35	.15
Art gallery	P/SP	10,000	75	25	20	40	25	2	25	35	.15
Automobile sales and service	P/SP	20,000	150	50	25;50*	50; 50%**	25; 50	3	35	50	.5
Bank	SU/SP	20,000	125	25	20	40	25	2	25	50	.3
Bar	P/SP	10,000	75	25	20	40	25	2	25	35	.15
Building contractor establishment	P/SP	20,000	150	50	25;50*	50; 50%**	25; 50	3	35	50	.5
Bus depot; truck depot	SU/SP	20,000	150	50	25;50*	50; 50%**	25; 50	3	35	50	.5
Craft workshop	P/SP	10,000	75	25	20	40	25	2	25	35	.15
Commercial recreational use, indoor	SU/SP	40,000	200	35	50	100	50	2	25	50	.25
Deli	P/SP	10,000	75	25	20	40	25	2	25	35	.15
Dry-cleaning depot	SU/SP	10,000	75	25	20	40	25	2	25	35	.15
Farm Market	SU/SP	10,000	75	25	20	40	25	2	25	35	.15
Food distribution facilities	SU/SP	20,000	150	50	25;50*	50; 50%**	25; 50	3	35	50	.5
Funeral parlor or undertaking establishment	P/SP	20,000	150	50	25;50*	50; 50%**	25; 50	3	35	50	.5
General store	P/SP	10,000	75	25	20	40	25	2	25	35	.15
Grocery store	P/SP	40,000	200	35	50	100	50	2	25	50	.25
Health fitness facility	P/SP	40,000	200	35	50	100	50	2	25	50	.25
Hotel	P/SP	20,000	150	50	25;50*	50; 50%**	25; 50	3	35	50	.5
Laundromat	SU/SP	10,000	75	25	20	40	25	2	25	35	.15
Movie theater	P/SP	20,000	150	50	25;50*	50; 50%**	25; 50	3	35	50	.5
Museum	SU/P	20,000	125	25	20	40	25	2	25	50	.25
Office, professional	P/SP	20,000	125	25	20	40	25	2	25	50	.25
Office, medical	P/SP	20,000	125	25	20	40	25	2	25	50	.25
Personal service	P/SP	10,000	75	25	20	40	25	2	25	35	.15
Pharmacy	P/SP	20,000	150	50	25;50*	50; 50%**	25; 50	3	35	50	.5
Printing and publishing establishments	P/SP	20,000	150	50	25;50*	50; 50%**	25; 50	3	35	50	.5
Restaurant, sit down	P/SP	15,000	100	25	25	50	25	2	25	40	.20
Restaurant, take out	P/SP	10,000	75	25	20	40	25	2	25	35	.15
Retail	P/SP	10,000	75	25	20	40	25	2	25	35	.15
shopping center, designed	SU/SP	40,000	200	35	50	100	50	2	25	50	.25
Small-scale industrial establishments or shops for custom work, such as upholstery, cabinet-making, handcrafted furniture reproductions, provided that such industry is	SU/SP	20,000	150	50	25;50*	50; 50%**	25; 50	3	35	50	.5

<b>LS Local Shopping Zoning District</b>											
<b>Principal Use</b>	<b>Use Type</b>	<b>Minimum:</b>						<b>Maximum Building Height</b>		<b>Maximum Lot Coverage (%)</b>	<b>Maximum Floor Area Ratio</b>
		<b>Lot Area (Square Ft)</b>	<b>Lot Width (Ft)</b>	<b>Front Yard (Ft)</b>	<b>One Side Yard (Ft)</b>	<b>Total Side Yard (Ft)</b>	<b>Rear Yard (Ft)</b>	<b>Stories</b>	<b>Feet</b>		
not a heavy user of water or producer of grease or similar materials or inorganic solids that would be introduced into any sewage disposal system.											
Storage of materials customarily stored in the open or in partially and enclosed non-fireproof buildings, such as lumber, building materials, or contractors' equipment, or storage of materials in trucks or tractor-trailers in conjunction with or as a part of the operation.	SU/SP	20,000	150	50	25;50*	50; 50%**	25; 50	3	35	50	.5
Warehouses	SU/SP	20,000	150	50	25;50*	50; 50%**	25; 50	3	35	50	.5
<b>Accessory Use Incidental to a Principal Use</b>				<b>If detached building or structure, minimum distance to:</b>							
				<b>Principal building (ft)</b>	<b>Front street (ft)</b>	<b>Side Street (ft)</b>	<b>Exterior side lot line (ft)</b>	<b>Rear lot line (ft)</b>			
Off-street parking	A			Refer to Article VIII							
Off-street loading	A										
Signs	A			Refer to Article VII							
Outdoor storage	A/SU/SP										
P = Permitted by Right SU = Special Use Permit Approval Required A = Accessory Permitted by Right SP = Site Plan Approval Required											
* = yard requirement if abutting an R District.											
** = must be increased by 50% if abutting an R district.											

**Section 2.** Section 250-7, Definitions, is hereby amended by adding the following new definitions, to be inserted in alphabetical order:

**AUTOMOBILE SALES AND SERVICE**

A facility for the sale and servicing of new and used motor vehicles, accessories and customary accessory uses. All motor vehicle storage, other than the display area and customer parking, shall be fully fenced and screened from the side and rear property lines. All other accessory uses, including servicing, shall be conducted within fully enclosed structures. Gasoline service, if provided, shall be located to the rear of the principal building. Oil and gasoline storage shall be solely in underground tanks. No care shall be displayed within 25 feet of any property line, and a buffer of no less than 10 feet shall be provided parallel and adjacent to the front property line except for the access drive(s) into the property.

**FOOD DISTRIBUTION FACILITY**

A facility used primarily for the storage and distribution of prepackaged food products. A food distribution facility does not include processing of animal or plant products into finished product. No storage shall be conducted outdoors.

**HOTEL**

A commercial use consisting of overnight accommodations wherein in guest sleeping rooms are accessed from a lobby location and shared interior hallways, within a building or group of buildings, regularly provided and offered to the public for a period of less than 30 consecutive days for compensation, and which is customarily open to transient guests. Accessory uses to a "hotel" may include a dining area, lounge, meeting rooms, swimming pool, office area for the conduct of business, indoor or outdoor fitness area, and other accessory uses determined accessory and appropriate during Planning Board review.

**PRINTING AND PUBLISHING ESTABLISHMENT**

A facility for the production, assembly, editing, storage and distribution of paper print media products, such as books, magazines, and newspapers. No storage shall be conducted outdoors.

**TRUCK DEPOT**

A facility for the renting, leasing, storage, parking, and/or dispatch of trucks for hire. A facility may include the servicing or parking of trucks. Except for trucks, no storage shall occur.

**Section 3.** Section 250-27C, Schedule of parking requirements, is hereby amended to add the following new standards to the table, to be inserted in alphabetical order under the category “Nonresidential Uses”:

Use	Minimum Number of Parking Spaces
Automobile sales and service	1 space per 250 square feet of showroom, office, and vehicle display area
Food distribution facility	1 space per 300 square feet of office area, plus 1 space per 1,000 square feet gfa of warehouse floor area
Hotel	1 space per each guest room, and in addition, 1 space per employee on the largest shift or 1 space per 150 square feet of restaurant, conference center, front desk, recreation, and other common areas used by guests, whichever is greater.
Printing and publishing establishment	1 space per 300 square feet of office area, plus 1 space per 1,000 square feet gfa of warehouse floor area
Truck depot	1 space per 1,000 square feet of gross floor area.

**Section 4.** Attachment 2, Zoning Map, of the Code of the Village of Hillburn is hereby amended to rezone a parcel of real property designated on the Tax Maps of the Village of Hillburn as Tax Parcel Section/Block/Lot Number 47.14/2/42 which is partially zoned R-9 and LS to entirely zone the parcel to the LS zone.

**SECTION V. SEVERABILITY.**

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

**SECTION VI. CONFLICT WITH OTHER LAWS.**

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is pre-empted or prohibited by the County, State or federal government, the more restrictive or protective of the Village shall apply.

**SECTION VII. EFFECTIVE DATE.**

This Law shall become effective upon filing with the New York State Secretary of State.