

**VILLAGE OF HIGHLAND FALLS  
INTRODUCTORY LOCAL LAW  
WATERFRONT OVERLAY DISTRICT**

BE IT ENACTED by the Board of Trustees of the Village of Highland Falls, County of Orange, State of New York, as follows:

Section 1. Legislative Intent. The Board of Trustees of the Village of Highland Falls finds and determines that the Village will benefit by encouraging certain types of commercial development on property abutting or in close proximity to the Hudson River and hereby establishes a special floating zone known as the Waterfront Overlay District. The Waterfront Overlay District enables the Village Board of Trustees to evaluate and delineate property within the Village that, because of its location and other site characteristics, is appropriate for limited commercial development as permitted herein.

Section 2. Section 240-4, titled “Definitions,” of Article I, titled “General Provisions,” of Chapter 240, titled “Zoning,” of the Code of the Village of Highland Falls is hereby amended to add the following definitions:

**MARINA** - A facility for storing, servicing, fueling, berthing and securing and launching of private pleasure craft that may include the incidental sale of fuel and supplies for the boat owners, crews and guests.

**MUSEUM** - A building serving as a repository for a collection of natural, scientific or literary curiosities, objects of interest or works of art, and arranged, intended and designed to be used by members of the public for viewing, with or without an admission charge, together with customary accessory uses including, for example, retail sale of goods to the public; cafe food service; art, dance and music performances; literary readings and showing of films.

**RESTAURANT** - Any premises where food is commercially sold for on-premises consumption to patrons seated at tables or counters where table service and printed menus are provided. Any facility without table service and printed menus and/or making use of carhop or parking lot service to cars, or where the food is to be eaten off the premises, shall not be considered a restaurant for the purpose of this chapter and shall be deemed to be a drive-in or fast-food restaurant.

Section 3. Section 240-6, titled “Classes of Districts,” of Article II, titled “Districts and Boundaries,” of Chapter 240, titled “Zoning,” of the Code of the Village of Highland Falls is hereby amended as follows:

The introductory paragraph is deleted in its entirety and replaced with a new introductory paragraph to read as follows:

For the purposes of this chapter, the Village of Highland Falls is hereby divided into eleven (11) classes of districts as follows:

Section 4. Subsection B, titled “Business districts,” of said Article II, titled “Districts and Boundaries,” is hereby amended by adding subsection (3) to read as follows:

(3) Waterfront Overlay District.

Section 5. Section 240-24, titled “Table of Use Regulations,” of Article V, titled “Business Districts,” of Chapter 240, titled “Zoning,” of the Code of the Village of Highland Falls is hereby amended to add a new special exception use classification titled “Waterfront Overlay Uses,” in the subcategory titled “Business Uses,” in the column labeled “B-1 Village Business,” to read as follows:

Waterfront Overlay Uses:

Restaurant	SE
Marina	SE
Hotel	SE
Bed and Breakfast Inn	SE
Museum	SE

Section 6. Section 240-29, titled “Special Conditions and Safeguards for Certain Special Exception Uses,” of Article VI, titled “Special Exception Uses,” of Chapter 240, titled “Zoning,” of the Code of the Village of Highland Falls, is amended by adding a new subsection “W” to read as follows:

W. Waterfront Overlay District.

- (1) General Provisions. On its own motion, or on recommendation by the Planning Board, or by petition of the property owner, the Board of Trustees may designate property as a Waterfront Overlay District. Only property in close proximity to the Hudson River shall be considered for designation as a Waterfront Overlay District. For the purpose of this chapter, “close proximity” to the Hudson River shall mean property that abuts the Hudson River or is within 300 feet of the bank of the Hudson River.
- (2) Procedure. The designation of the Waterfront Overlay District to certain property shall be subject to the procedures set forth in Article XIII of this Chapter, titled “Procedure for Amendment.”
- (3) Designation as a Waterfront Overlay District shall be a change of the zoning district of the property and only such uses set forth in §240-24 as Waterfront Overlay Uses shall be allowed, and by special permit exception use permit only.
- (4) The Board of Trustees may attach such conditions upon the designation of a Waterfront Overlay District as it may deem appropriate

and/or may be required as a result of environmental review.

- (5) All development within a designated Waterfront Overlay District shall require the prior issuance of a special exception use permit and site plan approval by the Planning Board.
- (6) Notwithstanding the bulk requirements set forth in §240-10 of this Chapter, bulk requirements for any particular development shall be determined by the Planning Board. However, no building shall be greater than 35 feet in height, lot coverage shall be no greater than 50%, and no new building shall be constructed closer than 25 feet from the front yard lot line and 35 feet from any side and rear lot line.

Section 7. Section 240-43, titled “Schedule of off-street parking requirements for nonresidential uses,” of Article VIII, titled “Off-Street Parking and Truck Loading Space Requirements,” of Chapter 240, titled “Zoning,” of the Code of the Village of Highland Falls is amended by adding a new requirement, immediately following “Wholesale establishment”, to read as follows:

<b>Uses</b>	<b>Number of Required Spaces</b>
Uses not listed above	Off-street parking requirements for uses not within a category listed above shall be determined by the Planning Board during site plan review upon consideration of relevant factors concerning the parking needs of each such use.

Section 8. Subsection B titled “Procedure,” of §240-63, titled “Application and Procedure,” of Article XI, titled, “Board of Appeals,” of Chapter 240, titled “Zoning,” of the Code of the Village of Highland Falls, shall be amended by deleting (4) in its entirety and replaced with a new §240-63B(4) to read as follows:

- (4) The applicant shall cause notice of the public hearing to be mailed no later than ten (10) days before the hearing to the owners of all property located within 200 feet of any property line of the property for which relief is sought. Such notice shall be mailed by certified mail, return receipt requested, and the applicant shall furnish proof of mailing by affidavit.

Section 9. Section 240-77, titled “Information required,” of Article XIII, titled, “Procedure for Amendment,” of Chapter 240, titled “Zoning,” of the Code of the Village of Highland Falls, shall be amended by amending Subsection B and adding a new Subsection D to read as follows:

- B. A map accurately drawn to an appropriate scale, showing topography, the proposed zone district boundary changes, property lines, the calculated areas affected in acres or square feet, the street rights-of-way in the immediate vicinity

and the lands and names of owners immediately adjacent to and extending within 200 feet of all boundaries of the property to be rezoned.

A. Any other information deemed necessary by the Board of Trustees.

Section 10. Section 240-81, titled “Notices to adjacent property owners,” of Article XIII, titled “Procedure for Amendment,” of Chapter 240, titled “Zoning,” of the Code of the Village of Highland Falls is hereby deleted in its entirety and replaced with a new § 240-81 to read as follows:

**Notices to adjacent property owners.**

Notice of the public hearing shall be mailed no later than ten (10) days before the hearing to the owners of all property located within 200 feet of and property line of the property for which an amendment is sought. Where the amendment is sought by petition, the petitioner shall cause such notice to be mailed by certified mail, return receipt requested, and the petitioner shall furnish proof of mailing by affidavit.

Section 11. Severability. If any section, provision or term of this local law is adjudged by a court of competent jurisdiction to be illegal or inapplicable, such illegality or inapplicability shall be limited to that particular section, provision or term, and the remainder of this local law shall remain in full force and effect and shall be interpreted to advance the intent of this local law.

Section 12. This local law shall take effect immediately upon filing with the Secretary of State.